



# House of Representatives

## **File No. 644**

General Assembly

February Session, 2000

**(Reprint of File No. 227)**

Substitute House Bill No. 5832  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
April 19, 2000

### ***An Act Reforming The Sheriff System.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 6-32d of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       (a) Except as otherwise agreed between the advisory board and the  
4       Department of Correction or other appropriate agency as of April 12,  
5       2000, the responsibility for transportation and custody of prisoners  
6       shall be assumed as follows:

7       (1) [Each high sheriff] The Judicial Department shall be responsible  
8       for the transportation of male prisoners between courthouses [within  
9       his county] and: (A) Community correction centers, until sentencing;  
10      (B) other places of confinement after arraignment and until sentencing;  
11      and (C) the place of initial confinement, after sentencing. In addition,  
12      [each high sheriff] the Judicial Department shall be responsible for the  
13      transportation of adult female prisoners between courthouses [within  
14      his county] and community correction centers, not including the  
15      correctional institution at Niantic. If such transportation is in other

16 than state vehicles, the owner of the vehicle used shall be reimbursed  
17 by the state at the rate then established for state employees within the  
18 Office of Policy and Management.

19 (2) The Department of Correction shall be responsible for the  
20 transportation of adult female prisoners between places of  
21 confinement and either courthouses or community correction centers,  
22 at the discretion of the Commissioner of Correction. In the  
23 transportation of prisoners between courthouses and community  
24 correctional centers, there shall be complete separation of male and  
25 female prisoners.

26 [(3) Each high sheriff shall be responsible for the custody of  
27 prisoners at courthouses within his county, except that the]

28 (3) The Judicial Department shall be responsible for the custody of  
29 prisoners at courthouses, except that the local police operating any  
30 lockup which is designated by the Chief Court Administrator as a  
31 courthouse lockup shall be responsible for the custody of prisoners  
32 within that lockup. In addition, if such designated lockup is not in the  
33 same building as the courthouse serviced by it, the local police  
34 operating such designated lockup shall be responsible for escorting  
35 prisoners from the lockup to the courthouse. The town in which such a  
36 designated lockup is located shall be reimbursed pursuant to section 7-  
37 135a.

38 (4) In Hartford County, the Lafayette Street courthouse shall be  
39 used as housing for persons arrested by the police department of the  
40 city of Hartford and held for presentment at the next session of the  
41 court pursuant to the following terms and conditions: (A) No arrestees  
42 shall be admitted or released directly to or from the lockup, and no  
43 social visits shall be permitted at the lockup; (B) all processing and  
44 booking shall be accomplished by the police department of the city of  
45 Hartford at its booking facility; (C) after arrival at the lockup and prior  
46 to arraignment, the release of any arrestee, with or without bond, shall  
47 be accomplished by the police department of the city of Hartford from

48 its booking facility; and (D) the [high sheriff of Hartford County]  
49 Judicial Department shall be responsible for the operation of the  
50 lockup at the Lafayette Street courthouse and the transportation of  
51 arrestees prior to arraignment from the Morgan Street facility or other  
52 booking facility of the police department of the city of Hartford.

53 (b) The Judicial Department shall employ judicial marshals for  
54 prisoner custody and transportation responsibilities pursuant to this  
55 section. The Chief Court Administrator may establish employment  
56 standards and implement appropriate training programs to assure  
57 secure prisoner custody and transportation. Such standards and  
58 programs shall be in force and effect by December 1, 2000. Any  
59 property used by the sheriffs for prisoner transportation shall be  
60 transferred to the Judicial Department.

61 (c) The Judicial Department shall enter into an agreement with state  
62 agencies for the management, training or coordination, or any  
63 combination thereof of courthouse security and prisoner custody and  
64 transportation functions.

65 Sec. 2. (NEW) The Judicial Department shall be responsible for  
66 courthouse security and shall employ judicial marshals for such  
67 purpose. The Chief Court Administrator may establish employment  
68 standards and implement appropriate training programs to assure  
69 court security. Any property used by the sheriffs for court security  
70 shall be transferred to the Judicial Department. The Chief Court  
71 Administrator shall be responsible for the custody, care and control of  
72 courthouse facilities.

73 Sec. 3. (NEW) After the effective date of this act, the Chief Court  
74 Administrator shall require an applicant for employment as a judicial  
75 marshal pursuant to sections 1 and 2 of this act to submit to a criminal  
76 record background investigation, to be conducted by the Department  
77 of Public Safety and the Federal Bureau of Investigation. The applicant  
78 shall pay all processing fees incurred for such investigation.

79 Sec. 4. Subdivision (9) of section 53-278a of the general statutes is

80 repealed and the following is substituted in lieu thereof:

81 (9) "Peace officer" means a municipal or state police officer [, sheriff,  
82 deputy sheriff] or chief inspector or inspector in the Division of  
83 Criminal Justice or state marshal while exercising authority granted  
84 under any provision of the general statutes or judicial marshal in the  
85 performance of the duties of a judicial marshal.

86 Sec. 5. Subdivision (9) of section 53a-3 of the general statutes is  
87 repealed and the following is substituted in lieu thereof:

88 (9) "Peace officer" means a member of the Division of State Police  
89 within the Department of Public Safety or an organized local police  
90 department, a chief inspector or inspector in the Division of Criminal  
91 Justice, [a sheriff, deputy sheriff or special deputy sheriff] a state  
92 marshal while exercising authority granted under any provision of the  
93 general statutes, a judicial marshal in the performance of the duties of  
94 a judicial marshal, a conservation officer or special conservation  
95 officer, as defined in section 26-5, a constable who performs criminal  
96 law enforcement duties, a special policeman appointed under section  
97 29-18, 29-18a or 29-19, an adult probation officer, appointed under  
98 section 54-104, an official of the Department of Correction authorized  
99 by the Commissioner of Correction to make arrests in a correctional  
100 institution or facility, any investigator in the investigations unit of the  
101 Office of the State Treasurer or any special agent of the federal  
102 government authorized to enforce the provisions of Title 21 of the  
103 United States Code.

104 Sec. 6. Section 54-1f of the general statutes is repealed and the  
105 following is substituted in lieu thereof:

106 (a) For purposes of this section, the respective precinct or  
107 jurisdiction of a [deputy sheriff or a special deputy sheriff] state  
108 marshal or judicial marshal shall be wherever he is required to  
109 perform his duties. Peace officers, as defined in subdivision (9) of  
110 section 53a-3, in their respective precincts, shall arrest, without  
111 previous complaint and warrant, any person for any offense in their

jurisdiction, when the person is taken or apprehended in the act or on the speedy information of others, provided that no constable elected pursuant to the provisions of section 9-200 shall be considered a peace officer for the purposes of this subsection, unless the town in which such constable holds office provides, by ordinance, that constables shall be considered peace officers for the purposes of this subsection.

(b) Members of the Division of State Police within the Department of Public Safety or of any local police department or any chief inspector or inspector in the Division of Criminal Justice shall arrest, without previous complaint and warrant, any person who the officer has reasonable grounds to believe has committed or is committing a felony.

(c) Members of any local police department or the Office of State Capitol Police [, sheriffs, deputy sheriffs, special deputy sheriffs] and constables and state marshals who are certified under the provisions of sections 7-294a to 7-294e, inclusive, and who perform criminal law enforcement duties, when in immediate pursuit of one who may be arrested under the provisions of this section, are authorized to pursue the offender outside of their respective precincts into any part of the state in order to effect the arrest. Such person may then be returned in the custody of such officer to the precinct in which the offense was committed.

(d) Any person arrested pursuant to this section shall be presented with reasonable promptness before proper authority.

Sec. 7. (NEW) (a) "State marshal" means a qualified deputy sheriff incumbent on June 30, 2000, under section 6-38 of the general statutes, as amended by this act, or appointed pursuant to section 8 of this act who shall have authority to provide legal execution and service of process in the counties in this state pursuant to section 6-38 of the general statutes, as amended by this act, as an independent contractor compensated on a fee for service basis, determined, subject to any minimum rate promulgated by the state, by agreement with an

144 attorney, court or public agency requiring execution or service of  
145 process.

146 (b) Any state marshal, shall, in the performance of execution or  
147 service of process functions, have the right of entry on private property  
148 and no such person shall be personally liable for damage or injury, not  
149 wanton, reckless or malicious, caused by the discharge of such  
150 functions.

151 Sec. 8. (NEW) (a) There is established a State Marshal Commission  
152 which shall consist of eight members appointed as follows: (1) The  
153 Chief Justice shall appoint one member who shall be a judge of the  
154 Superior Court; (2) the speaker of the House of Representatives, the  
155 president pro tempore of the Senate, the majority and minority leaders  
156 of the House of Representatives and the majority and minority leaders  
157 of the Senate shall each appoint one member; and (3) the Governor  
158 shall appoint one member who shall serve as chairperson. No member  
159 of the commission shall be a state marshal, except that two state  
160 marshals appointed by the State Marshals Advisory Board in  
161 accordance with section 146 of this act shall serve as ex officio,  
162 nonvoting members of the commission.

163 (b) The chairperson shall serve for a three-year term and all  
164 appointments of members to replace those whose terms expire shall be  
165 for terms of three years.

166 (c) No more than four of the members, other than the chairperson  
167 may be members of the same political party. Of the seven nonjudicial  
168 members, other than the chairperson, at least three shall not be  
169 members of the bar of any state.

170 (d) If any vacancy occurs on the commission, the appointing  
171 authority having the power to make the initial appointment under the  
172 provisions of this section shall appoint a person for the unexpired term  
173 in accordance with the provisions of this section.

174 (e) Members shall serve without compensation but shall be

175 reimbursed for actual expenses incurred while engaged in the duties of  
176 the commission.

177 (f) The commission shall establish professional standards, including  
178 training requirements and minimum fees for execution and service of  
179 process. Such standards and requirements shall be in force and effect  
180 by December 1, 2000.

181 (g) Any vacancy in the position of state marshal in any county as  
182 provided in section 6-38, as amended by this act, shall be filled by the  
183 commission with an applicant who shall be an elector in the county  
184 where such vacancy occurs. Any applicant for such vacancy shall be  
185 subject to the application and investigation requirements of the  
186 commission.

187 (h) Except as provided in section 142 of this act, no person may be a  
188 state marshal and a state employee at the same time.

189 (i) No state marshal may be removed except by order of the  
190 commission for cause after due notice and hearing.

191 (j) The commission may adopt such rules as it deems necessary for  
192 conduct of its internal affairs and for the application and investigation  
193 requirements for filling vacancies in the position of state marshal.

194 (k) The commission shall be an autonomous body within the  
195 Judicial Department for fiscal and budgetary purposes only.

196 Sec. 9. Section 6-38 of the general statutes is repealed and the  
197 following is substituted in lieu thereof:

198 The number of [deputy sheriffs] state marshals to be appointed for  
199 Hartford County shall not exceed seventy-two; for New Haven  
200 County, sixty-two; for New London County, thirty-eight; for Fairfield  
201 County, fifty-five; for Windham County, eighteen; for Litchfield  
202 County, thirty; for Middlesex County, twenty-one; for Tolland County,  
203 twenty-two. [In addition to such number, sheriffs may appoint each  
204 other as a deputy in their respective counties and on special occasions

205 may depute any proper person to execute any process. No person not a  
206 citizen of this state shall be appointed a deputy sheriff.]

207 Sec. 10. (NEW) The Chief Court Administrator shall employ, within  
208 available appropriations for such purpose, such staff as are necessary  
209 to support the transferred functions of the county sheriff system. The  
210 Chief Court Administrator shall first offer such employment to  
211 qualified persons employed in the administration of the county sheriff  
212 system on July 1, 2000.

213 Sec. 11. Section 6-43 of the general statutes is repealed and the  
214 following is substituted in lieu thereof:

215 [In case of riot or civil commotion or reasonable apprehension  
216 thereof, or when he deems it necessary for the prevention or  
217 investigation of crime, or when needed for attendance at court, the  
218 sheriff of any county may appoint special deputy sheriffs in such  
219 numbers as he deems necessary. Special deputy sheriffs shall be sworn  
220 to the faithful performance of their duties and, having been so sworn,  
221 shall have all the powers of the sheriff as provided by law, except as to  
222 service of civil process; and such special deputies shall continue to  
223 hold their office as long as the term of office of the sheriff appointing  
224 them, unless sooner removed for just cause after due notice and  
225 hearing.] From July 1, 1997, to June 30, 1999, special deputy sheriffs  
226 shall be subject to the provisions of chapter 68, except that said special  
227 deputies shall not be allowed to petition the [State Labor Board]  
228 Connecticut State Board of Labor Relations to form a bargaining unit  
229 prior to July 1, 1999. On and after July 1, 1999, special deputy sheriffs  
230 shall be subject to the provisions of chapters 66 to 68, inclusive.

231 Sec. 12. Section 6-35 of the general statutes is repealed and the  
232 following is substituted in lieu thereof:

233 Any [sheriff or deputy sheriff] state marshal shall pay over to the  
234 person authorized to receive it, any money collected by [him] such  
235 marshal on behalf or on account of such person, within [ninety] thirty  
236 calendar days from the date of collection of the money or upon the



237 collection of one thousand dollars, whichever first occurs, provided  
238 any [sheriff or deputy sheriff] state marshal who fails to pay over to  
239 the person authorized to receive it, any money collected by [him] such  
240 marshal on behalf or for the account of such person, within [ninety]  
241 thirty calendar days from the date of collection of the money or upon  
242 the collection of one thousand dollars, shall be liable to such person for  
243 the payment of interest on the money at the rate of five per cent per  
244 month from the date on which such [sheriff or deputy sheriff] state  
245 marshal received the money.

246 Sec. 13. Subsection (k) of section 1-79 of the general statutes, as  
247 amended by public act 99-56, is repealed and the following is  
248 substituted in lieu thereof:

249 (k) "Public official" means any state-wide elected officer, any  
250 member or member-elect of the General Assembly, any person  
251 appointed to any office of the legislative, judicial or executive branch  
252 of state government by the Governor or an appointee of the Governor,  
253 with or without the advice and consent of the General Assembly, [any  
254 sheriff or deputy sheriff,] any person appointed or elected by the  
255 General Assembly or by any member of either house thereof, and any  
256 member or director of a quasi-public agency, but shall not include a  
257 member of an advisory board, a judge of any court either elected or  
258 appointed or a senator or representative in Congress.

259 Sec. 14. Subsections (a) and (b) of section 1-83 of the general statutes  
260 are repealed and the following is substituted in lieu thereof:

261 (a) (1) All state-wide elected officers, members of the General  
262 Assembly, department heads and their deputies, members of the  
263 Gaming Policy Board, the executive director of the Division of Special  
264 Revenue within the Department of Revenue Services, members or  
265 directors of each quasi-public agency, [sheriffs and deputy sheriffs]  
266 state marshal and such members of the Executive Department and  
267 such employees of quasi-public agencies as the Governor shall require,  
268 shall file, under penalty of false statement, a statement of financial

269 interests for the preceding calendar year with the commission on or  
270 before the May first next in any year in which they hold such a  
271 position. Any such individual who leaves his office or position shall  
272 file a statement of financial interests covering that portion of the year  
273 during which he held his office or position. The commission shall  
274 notify such individuals of the requirements of this subsection within  
275 thirty days after their departure from such office or position. Such  
276 individuals shall file such statement within sixty days after receipt of  
277 the notification.

278 (2) Each state agency, department, board and commission shall  
279 develop and implement, in cooperation with the Ethics Commission,  
280 an ethics statement as it relates to the mission of the agency,  
281 department, board or commission. The executive head of each such  
282 agency, department, board or commission shall be directly responsible  
283 for the development and enforcement of such ethics statement and  
284 shall file a copy of such ethics statement with the Department of  
285 Administrative Services and the Ethics Commission.

286 (b) (1) The statement of financial interests, except as provided in  
287 subdivision (2) of this subsection, shall include the following  
288 information for the preceding calendar year in regard to the individual  
289 required to file the statement and his spouse and dependent children  
290 residing in the individual's household: (A) The names of all businesses  
291 with which associated; (B) the category or type of all sources of income  
292 in excess of one thousand dollars, amounts of income shall not be  
293 specified; (C) the name of securities in excess of five thousand dollars  
294 at fair market value owned by such individual, spouse or dependent  
295 children or held in the name of a corporation, partnership or trust for  
296 the benefit of such individual, spouse or dependent children; (D) the  
297 existence of any known blind trust and the names of the trustees; (E)  
298 all real property and its location, whether owned by such individual,  
299 spouse or dependent children or held in the name of a corporation,  
300 partnership or trust for the benefit of such individual, spouse or  
301 dependent children; (F) the names and addresses of creditors to whom  
302 the individual, his spouse or dependent children, individually, owed

303 debts of more than ten thousand dollars; and (G) any leases or  
304 contracts with the state held or entered into by the individual or a  
305 business with which he was associated. (2) The statement of financial  
306 interests filed by [sheriffs and deputy sheriffs] state marshals shall  
307 include only amounts and sources of income earned in their capacity  
308 as [sheriffs or deputy sheriffs] state marshals.

309 Sec. 15. Section 1-102 of the general statutes is repealed and the  
310 following is substituted in lieu thereof:

311 No person, committee, association, organization or corporation shall  
312 employ any salaried commissioner or deputy commissioner of this  
313 state, [the sheriff of any county] or any person receiving a salary or pay  
314 from the state for services rendered and performed at Hartford, or  
315 shall give to any such person any advantage, aid, emolument,  
316 entertainment, money or other valuable thing for appearing for, in  
317 behalf of or in opposition to, any measure, bill, resolution or petition  
318 pending before the General Assembly or any committee thereof, or for  
319 advancing, supporting, advocating, or seeking to secure the passage,  
320 defeat or amendment of any such measure, bill, resolution or petition  
321 pending in or before the General Assembly or any committee thereof;  
322 nor shall any such salaried commissioner, deputy commissioner [,  
323 sheriff] or other person described in this section accept any such  
324 employment or perform any such service for another, or accept aid,  
325 emolument, entertainment, money, advantage or other valuable thing  
326 for or in consideration of any such service. Any person, committee,  
327 association, organization or corporation, or any such salaried  
328 commissioner, deputy commissioner [, sheriff] or person receiving a  
329 salary or pay from the state for services rendered and performed at  
330 Hartford, who violates any of the provisions of this section shall be  
331 fined not less than one hundred nor more than one thousand dollars.  
332 All complaints for the violation of this section shall be made to the  
333 state's attorney for the judicial district of New Britain, and he shall,  
334 upon proof of probable guilt being shown, cause the arrest of any such  
335 offender and present him or cause him to be presented for trial before  
336 the superior court for the judicial district of New Britain.

337 Sec. 16. Section 2-7 of the general statutes is repealed and the  
338 following is substituted in lieu thereof:

339 (a) Whenever the Governor, the members of the General Assembly  
340 or the president pro tempore of the Senate and the speaker of the  
341 House of Representatives call a special session of the General  
342 Assembly, the Secretary of the State shall give notice thereof by  
343 mailing a true copy of the call of such special session, by first class  
344 mail, evidenced by a certificate of mailing, to each member of the  
345 House of Representatives and of the Senate at his or her address as it  
346 appears upon the records of said secretary not less than ten nor more  
347 than fifteen days prior to the date of convening of such special session  
348 or by causing a true copy of the call to be delivered to each member by  
349 a [sheriff, deputy sheriff] state marshal, constable, state policeman or  
350 indifferent person at least twenty-four hours prior to the time of  
351 convening of such special session.

352 (b) Whenever the Secretary of the State is required to reconvene the  
353 General Assembly pursuant to article third of the amendments to the  
354 Constitution of Connecticut, said secretary shall give notice thereof by  
355 mailing a true copy of the call of such reconvened session, by first class  
356 mail, evidenced by a certificate of mailing, to each member of the  
357 House of Representatives and of the Senate at his or her address as it  
358 appears upon the records of said secretary not less than five days prior  
359 to the date of convening of such reconvened session or by causing a  
360 true copy of the call to be delivered to each member by a [sheriff,  
361 deputy sheriff] state marshal, constable, state policeman or indifferent  
362 person at least twenty-four hours prior to the time of convening of  
363 such reconvened session.

364 Sec. 17. Section 2-61 of the general statutes is repealed and the  
365 following is substituted in lieu thereof:

366 The Secretary of the State shall deliver five hundred copies of the  
367 revised statutes, of each supplement to the general statutes and of each  
368 revised volume thereof and three hundred fifty copies of each volume

369 of the public acts and special acts to the State Library for its general  
370 purposes and for exchange with other states and libraries, and four  
371 hundred copies of the revised statutes, of each supplement, of each  
372 revised volume and of each volume of the public acts, and such  
373 additional number of each as the executive secretary of the Judicial  
374 Department certifies as necessary, for the use of any of the state-  
375 maintained courts, and one hundred fifty copies of each volume of the  
376 special acts to said executive secretary for distribution to state-  
377 maintained courts, and, to the several departments, agencies and  
378 institutions of the executive branch of the state government, as many  
379 copies of the revised statutes, of each supplement, of each revised  
380 volume and of each of the volumes of public acts and special acts as  
381 they require for the performance of their duties. He shall send free of  
382 charge one copy of the revised statutes, of each supplement to the  
383 general statutes, of each revised volume thereof and of each of the  
384 volumes of public acts and special acts to the Governor, Lieutenant  
385 Governor, Treasurer, Secretary of the State, Attorney General,  
386 Comptroller, Adjutant General, [each sheriff,] each town clerk, each  
387 probate court, the police department of each municipality having a  
388 regularly organized police force, each assistant to the Attorney  
389 General, and each county law library; and he shall supply free of  
390 charge one copy of the revised statutes to each member of the General  
391 Assembly at the first session in which he serves as a member and, at  
392 each session in which he serves, one copy of each revised volume  
393 thereof and of each supplement not previously supplied to him, such  
394 distribution of the statutes and supplements to be made within thirty  
395 days after the election or reelection of such member, and, following  
396 each session at which he serves, one volume of each of the public acts  
397 and special acts passed at such session; and to the clerks of the House  
398 and Senate, each, one copy of the revised statutes, of each revised  
399 volume thereof, of each supplement and one volume of each of the  
400 public acts and special acts for use in the clerks' office.

401 Sec. 18. Section 3-96 of the general statutes is repealed and the  
402 following is substituted in lieu thereof:

403 The Secretary shall keep in his office, for public inspection, a copy of  
404 the list of the judges and clerks of the Superior Court, and of the state's  
405 attorneys and [sheriffs] state marshals, with the date of their respective  
406 appointments and terms of service and shall, from time to time, add to  
407 said list the names of persons thereafter appointed or elected to the  
408 offices named. The Chief Court Administrator shall furnish the  
409 Secretary a certified list of the chief clerks, deputy chief clerks, clerks,  
410 deputy clerks and assistant clerks appointed by the judges of the  
411 Superior Court at their annual meeting, and any judge making an  
412 appointment to fill a vacancy shall, in like manner, certify to such  
413 appointment; and the chief clerk of the Superior Court in each judicial  
414 district shall notify the Secretary whenever a new appointment is  
415 made for the office of state's attorney for his judicial district. The  
416 Secretary shall, when requested, certify to the official character of the  
417 officers whose appointment is recorded as herein provided.

418 Sec. 19. Section 3-125 of the general statutes is repealed and the  
419 following is substituted in lieu thereof:

420 The Attorney General shall appoint a deputy, who shall be sworn to  
421 the faithful discharge of his duties and shall perform all the duties of  
422 the Attorney General in case of his sickness or absence. He shall  
423 appoint such other assistants as he deems necessary, subject to the  
424 approval of the Governor. The Attorney General may also appoint not  
425 more than four associate attorneys general who will serve at the  
426 pleasure of the Attorney General and will be exempt from the  
427 classified service. The Attorney General shall have general supervision  
428 over all legal matters in which the state is an interested party, except  
429 those legal matters over which prosecuting officers have direction. He  
430 shall appear for the state, the Governor, the Lieutenant Governor, the  
431 Secretary, the Treasurer and the Comptroller, and for all heads of  
432 departments and state boards, commissioners, agents, inspectors,  
433 committees, auditors, chemists, directors, harbor masters, [high  
434 sheriffs or their chief deputies, except in such matters for which high  
435 sheriffs or their chief deputies are insured or required to be insured by  
436 the general statutes,] and institutions and for the State Librarian in all

437 suits and other civil proceedings, except upon criminal recognizances  
438 and bail bonds, in which the state is a party or is interested, or in  
439 which the official acts and doings of said officers are called in question,  
440 and for all members of the state House of Representatives and the state  
441 Senate in all suits and other civil proceedings brought against them  
442 involving their official acts and doings in the discharge of their duties  
443 as legislators, in any court or other tribunal, as the duties of his office  
444 require; and all such suits shall be conducted by him or under his  
445 direction. When any measure affecting the State Treasury is pending  
446 before any committee of the General Assembly, such committee shall  
447 give him reasonable notice of the pendency of such measure, and he  
448 shall appear and take such action as he deems to be for the best  
449 interests of the state, and he shall represent the public interest in the  
450 protection of any gifts, legacies or devises intended for public or  
451 charitable purposes. All legal services required by such officers and  
452 boards in matters relating to their official duties shall be performed by  
453 the Attorney General or under his direction. All writs, summonses or  
454 other processes served upon such officers and legislators shall,  
455 forthwith, be transmitted by them to the Attorney General. All suits or  
456 other proceedings by such officers shall be brought by the Attorney  
457 General or under his direction. He shall, when required by either  
458 house of the General Assembly or when requested by the president  
459 pro tempore of the Senate, the speaker of the House of  
460 Representatives, or the majority leader or the minority leader of the  
461 Senate or House of Representatives, give his opinion upon questions of  
462 law submitted to him by either of said houses or any of said leaders.  
463 He shall advise or give his opinion to the head of any executive  
464 department or any state board or commission upon any question of  
465 law submitted to him. He may procure such assistance as he may  
466 require. Whenever a trustee, under the provisions of any charitable  
467 trust described in section 45a-514, is required by statute to give a bond  
468 for the performance of his duties as trustee, the Attorney General may  
469 cause a petition to be lodged with the probate court of the district in  
470 which such trust property is situated, or where any of the trustees  
471 reside, for the fixing, accepting and approving of a bond to the state,

472 conditioned for the proper discharge of the duties of such trust, which  
473 bond shall be filed in the office of such probate court. The Attorney  
474 General shall prepare a topical and chronological cross-index of all  
475 legal opinions issued by the office of the Attorney General and shall,  
476 from time to time, update the same.

477 Sec. 20. Subsections (c) and (d) of section 4-183 of the general  
478 statutes, as amended by public act 99-39 and section 24 of public act  
479 99-215, are repealed and the following is substituted in lieu thereof:

480 (c) Within forty-five days after mailing of the final decision under  
481 section 4-180 or, if there is no mailing, within forty-five days after  
482 personal delivery of the final decision under said section, a person  
483 appealing as provided in this section shall serve a copy of the appeal  
484 on the agency that rendered the final decision at its office or at the  
485 office of the Attorney General in Hartford and file the appeal with the  
486 clerk of the superior court for the judicial district of New Britain or for  
487 the judicial district wherein the person appealing resides or, if that  
488 person is not a resident of this state, with the clerk of the court for the  
489 judicial district of New Britain. Within that time, the person appealing  
490 shall also serve a copy of the appeal on each party listed in the final  
491 decision at the address shown in the decision, provided failure to  
492 make such service within forty-five days on parties other than the  
493 agency that rendered the final decision shall not deprive the court of  
494 jurisdiction over the appeal. Service of the appeal shall be made by (1)  
495 United States mail, certified or registered, postage prepaid, return  
496 receipt requested, without the use of a [sheriff] state marshal or other  
497 officer, or (2) personal service by a proper officer or indifferent person  
498 making service in the same manner as complaints are served in  
499 ordinary civil actions. If service of the appeal is made by mail, service  
500 shall be effective upon deposit of the appeal in the mail.

501 (d) The person appealing, not later than fifteen days after filing the  
502 appeal, shall file or cause to be filed with the clerk of the court an  
503 affidavit, or the [sheriff's] state marshal's return, stating the date and  
504 manner in which a copy of the appeal was served on each party and on



505 the agency that rendered the final decision, and, if service was not  
506 made on a party, the reason for failure to make service. If the failure to  
507 make service causes prejudice to any party to the appeal or to the  
508 agency, the court, after hearing, may dismiss the appeal.

509 Sec. 21. Subsection (d) of section 4-151 of the general statutes is  
510 repealed and the following is substituted in lieu thereof:

511 (d) If any person fails to respond to a subpoena, the Claims  
512 Commissioner may issue a capias, directed to [the sheriff of the county  
513 in which such person resides,] a state marshal to arrest such person  
514 and bring him before the Claims Commissioner to testify.

515 Sec. 22. Section 7-89 of the general statutes is repealed and the  
516 following is substituted in lieu thereof:

517 Constables shall have the [same] power in their towns to serve and  
518 execute all lawful process legally directed to them [as sheriffs have in  
519 their respective counties] and shall be liable [in the same manner] for  
520 any neglect or unfaithfulness in their office.

521 Sec. 23. Section 7-108 of the general statutes is repealed and the  
522 following is substituted in lieu thereof:

523 Each city and borough shall be liable for all injuries to person or  
524 property, including injuries causing death, when such injuries are  
525 caused by an act of violence of any person or persons while a member  
526 of, or acting in concert with, any mob, riotous assembly or assembly of  
527 persons engaged in disturbing the public peace, if such city or  
528 borough, or the police or other proper authorities thereof, have not  
529 exercised reasonable care or diligence in the prevention or suppression  
530 of such mob, riotous assembly or assembly engaged in disturbing the  
531 public peace. [Each city and borough shall be liable to the state for any  
532 sums paid for compensation or expenses of any sheriff, his deputy or  
533 other persons called upon to assist him, while engaged in preventing  
534 or suppressing any mob or riotous assembly, preserving the public  
535 peace or affording protection to any person or property endangered by

536 any mob or riotous assembly or any assembly of persons engaged in  
537 disturbing the public peace, within such city or borough.] Any person  
538 claiming damages under this section from any city or borough shall  
539 give written notice to the clerk of the city or borough of such claim and  
540 of the injury upon which such claim is based, containing a general  
541 description of such injury and of the time, place and cause of its  
542 occurrence, within thirty days after the occurrence of such injury; and  
543 an administrator or executor seeking to recover damages for the death  
544 of a decedent whom he represents shall give such written notice within  
545 thirty days after his appointment; provided such notice shall be given  
546 not later than four months after the date of the injury so causing the  
547 death of the decedent whom he represents. The expense for which  
548 such city or borough is made liable to the state under the provisions of  
549 this section shall, if more than one municipal corporation is jointly  
550 responsible for the expense aforesaid, be assessed by the Secretary of  
551 the Office of Policy and Management, the Attorney General and the  
552 Comptroller, acting as a board of assessors. Such board of assessors  
553 may apportion such expense among the different municipal  
554 corporations so jointly responsible in such manner as to it seems just.  
555 An appeal from the action of such board of assessors may be taken to  
556 the superior court for the judicial district in which the appellant city or  
557 borough is situated, and, if the cities or boroughs concerned are  
558 located in different judicial districts, then such appeal may be taken to  
559 the superior court for that judicial district in which the city or borough  
560 concerned having the largest population according to the last-  
561 preceding census is located. The amount of such assessment against  
562 any city or borough for which it is liable to the state under the  
563 provisions of this section shall be certified to the clerk of such city or  
564 borough by the Comptroller as soon as such assessment is made, and  
565 the appeal from such assessment provided herein shall be taken by  
566 such city or borough within thirty days from the receipt by it of such  
567 certificate of assessment by the Comptroller.

568 Sec. 24. Section 8-129 of the general statutes is repealed and the  
569 following is substituted in lieu thereof:

570 The redevelopment agency shall determine the compensation to be  
571 paid to the persons entitled thereto for such real property and shall file  
572 a statement of compensation, containing a description of the property  
573 to be taken and the names of all persons having a record interest  
574 therein and setting forth the amount of such compensation, and a  
575 deposit as provided in section 8-130, with the clerk of the superior  
576 court for the judicial district in which the property affected is located.  
577 Upon filing such statement of compensation and deposit, the  
578 redevelopment agency shall forthwith cause to be recorded, in the  
579 office of the town clerk of each town in which the property is located, a  
580 copy of such statement of compensation, such recording to have the  
581 same effect as and to be treated the same as the recording of a lis  
582 pendens, and shall forthwith give notice, as hereinafter provided, to  
583 each person appearing of record as an owner of property affected  
584 thereby and to each person appearing of record as a holder of any  
585 mortgage, lien, assessment or other encumbrance on such property or  
586 interest therein (a), in the case of any such person found to be residing  
587 within this state, by causing a copy of such notice, with a copy of such  
588 statement of compensation, to be served upon each such person by a  
589 [sheriff, his deputy or a] state marshal constable or an indifferent  
590 person, in the manner set forth in section 52-57 for the service of civil  
591 process and (b), in the case of any such person who is a nonresident of  
592 this state at the time of the filing of such statement of compensation  
593 and deposit or of any such person whose whereabouts or existence is  
594 unknown, by mailing to each such person a copy of such notice and of  
595 such statement of compensation, by registered or certified mail,  
596 directed to his last-known address, and by publishing such notice and  
597 such statement of compensation at least twice in a newspaper  
598 published in the judicial district and having daily or weekly circulation  
599 in the town in which such property is located. Any such published  
600 notice shall state that it is notice to the widow or widower, heirs,  
601 representatives and creditors of the person holding such record  
602 interest, if such person is dead. If, after a reasonably diligent search, no  
603 last-known address can be found for any interested party, an affidavit  
604 stating such fact, and reciting the steps taken to locate such address,

605 shall be filed with the clerk of the superior court and accepted in lieu  
606 of mailing to the last-known address. Not less than twelve days nor  
607 more than ninety days after such notice and such statement of  
608 compensation have been so served or so mailed and first published,  
609 the redevelopment agency shall file with the clerk of the superior court  
610 a return of notice setting forth the notice given and, upon receipt of  
611 such return of notice, such clerk shall, without any delay or  
612 continuance of any kind, issue a certificate of taking setting forth the  
613 fact of such taking, a description of all the property so taken and the  
614 names of the owners and of all other persons having a record interest  
615 therein. The redevelopment agency shall cause such certificate of  
616 taking to be recorded in the office of the town clerk of each town in  
617 which such property is located. Upon the recording of such certificate,  
618 title to such property in fee simple shall vest in the municipality, and  
619 the right to just compensation shall vest in the persons entitled thereto.  
620 At any time after such certificate of taking has been so recorded, the  
621 redevelopment agency may repair, operate or insure such property  
622 and enter upon such property, and take whatever action is proposed  
623 with regard to such property by the project area redevelopment plan.  
624 The notice referred to above shall state (a) that not less than twelve  
625 days nor more than ninety days after service or mailing and first  
626 publication thereof, the redevelopment agency shall file, with the clerk  
627 of the superior court of the judicial district in which such property is  
628 located, a return setting forth the notice given, (b) that upon receipt of  
629 such return such clerk shall issue a certificate for recording in the office  
630 of the town clerk of each town in which such property is located, (c)  
631 that upon the recording of such certificate, title to such property shall  
632 vest in the municipality, the right to just compensation shall vest in the  
633 persons entitled thereto and the redevelopment agency may repair,  
634 operate or insure such property and enter upon such property and  
635 take whatever action may be proposed with regard thereto by the  
636 project area redevelopment plan and (d) that such notice shall bind the  
637 widow or widower, heirs, representatives and creditors of each person  
638 named therein who then or thereafter may be dead. When any  
639 redevelopment agency acting in behalf of any municipality has

640 acquired or rented real property by purchase, lease, exchange or gift in  
641 accordance with the provisions of this section, or in exercising its right  
642 of eminent domain has filed a statement of compensation and deposit  
643 with the clerk of the superior court and has caused a certificate of  
644 taking to be recorded in the office of the town clerk of each town in  
645 which such property is located as herein provided, any judge of such  
646 court may, upon application and proof of such acquisition or rental or  
647 such filing and deposit and such recording, order such clerk to issue an  
648 execution commanding [the sheriff of the county or his deputy] a state  
649 marshal to put such municipality and the redevelopment agency, as its  
650 agent, into peaceable possession of the property so acquired, rented or  
651 condemned. The provisions of this section shall not be limited in any  
652 way by the provisions of chapter 832.

653 Sec. 25. Section 9-173 of the general statutes is repealed and the  
654 following is substituted in lieu thereof:

655 In the election for Governor, Lieutenant Governor, Secretary of the  
656 State, Treasurer, Comptroller and Attorney General, the person  
657 receiving the greatest number of votes for each of said offices,  
658 respectively, shall be declared elected. If no person has a plurality of  
659 the votes for any of said offices, the General Assembly shall choose  
660 such officer. In the election for senator in Congress, the person  
661 receiving the greatest number of votes for such office shall be declared  
662 elected; but, if no person has a plurality of the votes for said office, the  
663 Governor may make a temporary appointment of a senator in  
664 Congress to serve for the ensuing two years unless the General  
665 Assembly directs a special election for a senator in Congress, to be held  
666 during said period, to fill the vacancy occasioned by such failure to  
667 elect. In all elections of representatives in Congress, [sheriffs,] state  
668 senators, state representatives and judges of probate, the person  
669 having the greatest number of votes shall be declared elected. Unless  
670 otherwise provided by law, in all municipal elections a plurality of the  
671 votes cast shall be sufficient to elect.

672 Sec. 26. Section 9-212 of the general statutes is repealed and the

673 following is substituted in lieu thereof:

674 In case of a vacancy in the office of representative in Congress from  
675 any district, the Governor, except as otherwise provided by law, shall  
676 issue writs of election directed to the town clerks or assistant town  
677 clerks, in such district, ordering an election to be held on a day named,  
678 other than a Saturday or Sunday, to fill such vacancy, and shall cause  
679 them to be conveyed to [the sheriffs of the county or counties  
680 composing such district] a state marshal, who shall forthwith transmit  
681 an attested copy thereof to such clerks or assistant clerks. Such clerks  
682 or assistant clerks, on receiving such writs, shall warn elections to be  
683 held on the day appointed therein in the same manner as state  
684 elections are warned, which elections shall be organized and  
685 conducted as are state elections, and the vote shall be declared,  
686 certified, directed, deposited, returned and transmitted in the same  
687 manner as at a state election.

688 Sec. 27. Section 9-218 of the general statutes is repealed and the  
689 following is substituted in lieu thereof:

690 When there is no election of judge of probate in any district by  
691 reason of two or more having an equal and the highest number of  
692 votes, or when a new probate district is created and no provision made  
693 for the election of a judge thereof, or whenever it is shown to the  
694 Governor that a vacancy is about to exist in said office by reason of the  
695 resignation of the incumbent to take effect at a future time or by reason  
696 of constitutional limitation, or when there is a vacancy in said office,  
697 the Governor shall issue writs of election directed to the town clerk or  
698 clerks or assistant town clerk or clerks within such district, ordering an  
699 election to be held on a day named therein, other than a Saturday or  
700 Sunday, to fill such vacancy or impending vacancy, and transmit the  
701 same to [the sheriff of the county in which such district is situated] a  
702 state marshal. Such [sheriff] state marshal shall forthwith transmit  
703 them to such clerk or clerks, who, on receiving the same, shall warn  
704 elections to be held on the day appointed in such writs, in the same  
705 manner as state elections are warned. Such elections shall be organized

706 and conducted, and the vote shall be declared and returns made,  
707 certified, directed, deposited and transmitted, in the same manner as at  
708 a state election. The Secretary of the State, Treasurer and Comptroller  
709 shall, within thirty days after any such election, count and declare the  
710 votes so returned, and notice shall be given to the person declared  
711 elected, in the same manner as is provided in the election of judges of  
712 probate at state elections. The Secretary of the State shall enter the  
713 returns in tabular form in books kept by him for that purpose and  
714 present a copy of the same, with the name of, and the total number of  
715 votes received by, each of the candidates for said office, to the  
716 Governor within ten days thereafter.

717       Sec. 28. Section 9-251 of the general statutes is repealed and the  
718 following is substituted in lieu thereof:

719       In the preparation of ballot labels for use at a state election  
720 precedence shall be given to the offices to be voted for at such election  
721 in the following descending order: Presidential electors, Governor and  
722 Lieutenant Governor, United States senator, representative in  
723 Congress, state senator, state representative, Secretary of the State,  
724 Treasurer, Comptroller, Attorney General [, sheriff] and judge of  
725 probate. In the preparation of ballot labels for use at a municipal  
726 election, unless otherwise provided by law, the order of the offices  
727 shall be as prescribed by the Secretary of the State, which order, so far  
728 as practicable, shall be uniform throughout the state.

729       Sec. 29. Section 9-301 of the general statutes is repealed and the  
730 following is substituted in lieu thereof:

731       The moderator of each election at which candidates for the offices of  
732 presidential electors, Governor, Lieutenant Governor, Secretary of the  
733 State, Treasurer, Comptroller, Attorney General, United States senator,  
734 representative at large, representative in Congress, [sheriff,] state  
735 senator, judge of probate and state representative are voted for shall  
736 make out and return to the Secretary of the State, with the list that he is  
737 required to send to said secretary under the provisions of section 9-

738 314, a statement showing the number of ballots counted and returned  
739 to him by the checkers and counters.

740 Sec. 30. Subsection (a) of section 9-314 of the general statutes is  
741 repealed and the following is substituted in lieu thereof:

742 (a) The moderator of each state election in each town not divided  
743 into voting districts, and the head moderator in each town divided into  
744 voting districts shall make out a duplicate list of the votes given in his  
745 town for each of the following officers: Presidential electors, Governor,  
746 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller,  
747 Attorney General, United States senator, representative in Congress,  
748 [sheriff,] state senator, judge of probate, state representative and  
749 registrars of voters when said officers are to be chosen. Included in  
750 said list shall be a statement of the total number of names on the  
751 official check list of such town and the total number checked as having  
752 voted. The moderator or head moderator, as the case may be, may  
753 transmit such list to the Secretary of the State by facsimile machine,  
754 provided the moderator shall also deliver one of such lists by hand in  
755 accordance with the provisions of this section. One of such lists he  
756 shall seal and deliver by hand either (1) to the Secretary of the State not  
757 later than six o'clock p.m. of the day after the election, or (2) to the state  
758 police not later than four o'clock p.m. of the day after the election, in  
759 which case the state police shall deliver it by hand to the Secretary of  
760 the State not later than six o'clock p.m. of the day after the election.  
761 Any such moderator or head moderator, as the case may be, who fails  
762 to so deliver such list to either the Secretary of the State or the state  
763 police by the time required shall pay a late filing fee of fifty dollars.  
764 The other of such lists he shall deliver to the clerk of such town on or  
765 before the day after such election. The Secretary of the State shall enter  
766 the returns in tabular form in books kept by him for that purpose and  
767 present a printed report of the same, with the name of, and the total  
768 number of votes received by, each of the candidates for said offices, to  
769 the General Assembly at its next session.

770 Sec. 31. Section 9-319 of the general statutes is repealed and the



771 following is substituted in lieu thereof:

772 The votes for state senators, state representatives [,] and judges of  
773 probate, [and sheriffs,] as returned by the moderators, shall be  
774 canvassed, during the month in which they are cast, by the Treasurer,  
775 Secretary of the State and Comptroller, and they shall declare, except  
776 in case of a tie vote, who is elected senator in each senatorial district,  
777 representative in each assembly district [,] and judge of probate in each  
778 probate district, [and sheriff in each county.] The Secretary of the State  
779 shall, within three days after such declaration, give notice by mail to  
780 each person chosen state senator, state representative [,] or judge of  
781 probate [or sheriff] of his election.

782 Sec. 32. Section 9-324 of the general statutes is repealed and the  
783 following is substituted in lieu thereof:

784 Any elector or candidate who claims that he is aggrieved by any  
785 ruling of any election official in connection with any election for  
786 Governor, Lieutenant Governor, Secretary of the State, Treasurer,  
787 Attorney General, Comptroller [, sheriff] or judge of probate, held in  
788 his town, or that there has been a mistake in the count of the votes cast  
789 at such election for candidates for said offices or any of them, at any  
790 voting district in his town, or any candidate for such an office who  
791 claims that he is aggrieved by a violation of any provision of sections  
792 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of  
793 absentee ballots at such election, may bring his complaint to any judge  
794 of the Superior Court, in which he shall set out the claimed errors of  
795 such election official, the claimed errors in the count or the claimed  
796 violations of said sections. In any action brought pursuant to the  
797 provisions of this section, the complainant shall send a copy of the  
798 complaint by first-class mail, or deliver a copy of the complaint by  
799 hand, to the State Elections Enforcement Commission. If such  
800 complaint is made prior to such election, such judge shall proceed  
801 expeditiously to render judgment on the complaint and shall cause  
802 notice of the hearing to be given to the Secretary of the State and the  
803 State Elections Enforcement Commission. If such complaint is made

804 subsequent to the election, it shall be brought within fourteen days of  
805 the election and such judge shall forthwith order a hearing to be had  
806 upon such complaint, upon a day not more than five nor less than  
807 three days from the making of such order, and shall cause notice of not  
808 less than three nor more than five days to be given to any candidate or  
809 candidates whose election may be affected by the decision upon such  
810 hearing, to such election official, the Secretary of the State, the State  
811 Elections Enforcement Commission and to any other party or parties  
812 whom such judge deems proper parties thereto, of the time and place  
813 for the hearing upon such complaint. Such judge shall, on the day  
814 fixed for such hearing and without unnecessary delay, proceed to hear  
815 the parties. If sufficient reason is shown, he may order any voting  
816 machines to be unlocked or any ballot boxes to be opened and a  
817 recount of the votes cast, including absentee ballots, to be made. Such  
818 judge shall thereupon, in case he finds any error in the rulings of the  
819 election official, any mistake in the count of the votes or any violation  
820 of said sections, certify the result of his finding or decision to the  
821 Secretary of the State before the fifteenth day of the next succeeding  
822 December. Such judge may order a new election or a change in the  
823 existing election schedule. Such certificate of such judge of his finding  
824 or decision shall be final and conclusive upon all questions relating to  
825 errors in the rulings of such election officials, to the correctness of such  
826 count, and, for the purposes of this section only, such claimed  
827 violations, and shall operate to correct the returns of the moderators or  
828 presiding officers, so as to conform to such finding or decision, unless  
829 the same is appealed from as provided in section 9-325.

830 Sec. 33. Subsection (a) of section 9-333e of the general statutes is  
831 repealed and the following is substituted in lieu thereof:

832 (a) Statements filed by party committees, political committees  
833 formed to aid or promote the success or defeat of a referendum  
834 question proposing a constitutional convention, constitutional  
835 amendment or revision of the constitution, individual lobbyists, and  
836 those political committees and candidate committees formed to aid or  
837 promote the success or defeat of any candidate for the office of

838 Governor, Lieutenant Governor, Secretary of the State, Treasurer,  
839 Comptroller, Attorney General, [sheriff,] judge of probate and  
840 members of the General Assembly, shall be filed with the office of the  
841 Secretary of the State. A copy of each statement filed by a town  
842 committee shall be filed at the same time with the town clerk of the  
843 municipality in which the committee is situated. A political committee  
844 formed for a slate of candidates in a primary for the position of  
845 convention delegate shall file statements with both the secretary of the  
846 state and the town clerk of the municipality in which the primary is to  
847 be held.

848 Sec. 34. Subsection (a) of section 9-333m of the general statutes is  
849 repealed and the following is substituted in lieu thereof:

850 (a) No individual shall make a contribution or contributions to, for  
851 the benefit of, or pursuant to the authorization or request of, a  
852 candidate or a committee supporting or opposing any candidate's  
853 campaign for nomination at a primary, or any candidate's campaign  
854 for election, to the office of (1) Governor, in excess of two thousand  
855 five hundred dollars; (2) Lieutenant Governor, Secretary of the State,  
856 Treasurer, Comptroller or Attorney General, in excess of one thousand  
857 five hundred dollars; (3) [sheriff or] chief executive officer of a town,  
858 city or borough, in excess of one thousand dollars; (4) state senator or  
859 probate judge, in excess of five hundred dollars; or (5) state  
860 representative or any other office of a municipality not previously  
861 included in this subsection, in excess of two hundred fifty dollars. The  
862 limits imposed by this subsection shall be applied separately to  
863 primaries and elections.

864 Sec. 35. Subsection (d) of section 9-333o of the general statutes is  
865 repealed and the following is substituted in lieu thereof:

866 (d) A political committee organized by a business entity shall not  
867 make a contribution or contributions to or for the benefit of any  
868 candidate's campaign for nomination at a primary or any candidate's  
869 campaign for election to the office of: (1) Governor, in excess of five

870 thousand dollars; (2) Lieutenant Governor, Secretary of the State,  
871 Treasurer, Comptroller or Attorney General, in excess of three  
872 thousand dollars; [(3) sheriff, in excess of two thousand dollars; (4)] (3)  
873 state senator, probate judge or chief executive officer of a town, city or  
874 borough, in excess of one thousand dollars; [(5)] (4) state  
875 representative, in excess of five hundred dollars; or [(6)] (5) any other  
876 office of a municipality not included in subdivision [(4)] (3) of this  
877 subsection, in excess of two hundred fifty dollars; or an exploratory  
878 committee, in excess of two hundred fifty dollars. The limits imposed  
879 by this subsection shall apply separately to primaries and elections and  
880 contributions by any such committee to candidates designated in this  
881 subsection shall not exceed one hundred thousand dollars in the  
882 aggregate for any single election and primary preliminary thereto.  
883 Contributions to such committees shall also be subject to the  
884 provisions of section 9-333t in the case of committees formed for  
885 ongoing political activity or section 9-333u in the case of committees  
886 formed for a single election or primary.

887 Sec. 36. Subsection (a) of section 9-333q of the general statutes is  
888 repealed and the following is substituted in lieu thereof:

889 (a) No political committee established by an organization shall  
890 make a contribution or contributions to, or for the benefit of, any  
891 candidate's campaign for nomination at a primary or for election to the  
892 office of: (1) Governor, in excess of two thousand five hundred dollars;  
893 (2) Lieutenant Governor, Secretary of the State, Treasurer, Comptroller  
894 or Attorney General, in excess of one thousand five hundred dollars;  
895 (3) [sheriff or] chief executive officer of a town, city or borough, in  
896 excess of one thousand dollars; (4) state senator or probate judge, in  
897 excess of five hundred dollars; or (5) state representative or any other  
898 office of a municipality not previously included in this subsection, in  
899 excess of two hundred fifty dollars.

900 Sec. 37. Subsection (b) of section 9-346b of the general statutes is  
901 repealed and the following is substituted in lieu thereof:

902 (b) In the conduct of any such inquiry the referee, judge, state's  
903 attorney or assistant state's attorney may employ a competent  
904 stenographer to take notes of the examination of any witness, and may  
905 furnish a transcript of such notes to any prosecuting officer having  
906 jurisdiction of the subject matter of such inquiry. The referee or judge  
907 may require the attendance and assistance, at any such inquiry and in  
908 procuring the attendance of witnesses, of any [sheriff, deputy sheriff,]  
909 state policeman, constable or police officer, who shall be allowed such  
910 compensation as the referee or judge deems reasonable.

911 Sec. 38. Section 10-200 of the general statutes is repealed and the  
912 following is substituted in lieu thereof:

913 Each city and town may adopt ordinances concerning habitual  
914 truants from school and children between the ages of five and sixteen  
915 years wandering about its streets or public places, having no lawful  
916 occupation and not attending school; and may make such ordinances  
917 respecting such children as shall conduce to their welfare and to public  
918 order, imposing penalties, not exceeding twenty dollars, for any one  
919 breach thereof. The police in any town, city or borough [and] bailiffs [,]  
920 and constables [, sheriffs and deputy sheriffs] in their respective  
921 precincts shall arrest all such children found anywhere beyond the  
922 proper control of their parents or guardians, during the usual school  
923 hours of the school terms, and may stop any child under sixteen years  
924 of age during such hours and ascertain whether such child is a truant  
925 from school, and, if such child is, shall send such child to school. For  
926 purposes of this section, "habitual truant" means a child age five to  
927 sixteen, inclusive, enrolled in a public or private school who has  
928 twenty unexcused absences within a school year.

929 Sec. 39. Subsection (a) of section 12-35 of the general statutes is  
930 repealed and the following is substituted in lieu thereof:

931 (a) Wherever used in this chapter, unless otherwise provided, "state  
932 collection agency" includes the Treasurer, the Commissioner of  
933 Revenue Services and any other state official, board or commission

934 authorized by law to collect taxes payable to the state and any duly  
935 appointed deputy of any such official, board or commission; "tax"  
936 includes not only the principal of any tax but also all interest, penalties,  
937 fees and other charges added thereto by law; and "serving officer"  
938 includes any [sheriff, deputy sheriff] state marshal, constable or  
939 employee of such state collection agency designated for such purpose  
940 by a state collection agency and any person so designated by the Labor  
941 Commissioner. Upon the failure of any person to pay any tax, except  
942 any tax under chapter 216, due the state within thirty days from its due  
943 date, the state collection agency charged by law with its collection shall  
944 add thereto such penalty or interest or both as are prescribed by law,  
945 provided, if any statutory penalty is not specified, there may be added  
946 a penalty in the amount of ten per cent of the whole or such part of the  
947 principal of the tax as is unpaid or fifty dollars, whichever amount is  
948 greater, and provided, if any statutory interest is not specified, there  
949 shall be added interest at the rate of one per cent of the whole or such  
950 part of the principal of the tax as is unpaid for each month or fraction  
951 thereof, from the due date of such tax to the date of payment. Upon the  
952 failure of any person to pay any tax, except any tax under chapter 216,  
953 due within thirty days of its due date, the state collection agency  
954 charged by law with the collection of such tax may make out and sign  
955 a warrant directed to any serving officer for distraint upon any  
956 property of such person found within the state, whether real or  
957 personal. An itemized bill shall be attached thereto, certified by the  
958 state collection agency issuing such warrant as a true statement of the  
959 amount due from such person. Such warrant shall have the same force  
960 and effect as an execution issued pursuant to chapter 906. Such  
961 warrant may be levied on any real property or tangible or intangible  
962 personal property of such person, and sale made pursuant to such  
963 warrant in the same manner and with the same force and effect as a  
964 levy of sale pursuant to an execution. In addition thereto, if such  
965 warrant has been issued by the Commissioner of Revenue Services, his  
966 deputy, the Labor Commissioner, the executive director of the  
967 Employment Security Division or any person in the Employment  
968 Security Division in a position equivalent to or higher than the position

969 presently held by a revenue examiner four, said serving officer shall be  
970 authorized to place a keeper in any place of business and it shall be  
971 such keeper's duty to secure the income of such business for the state  
972 and, when it is in the best interest of the state, to force cessation of such  
973 business operation. In addition, the Attorney General may collect any  
974 such tax by civil action. Each serving officer so receiving a warrant  
975 shall make a return with respect to such warrant to the appropriate  
976 collection agency within a period of ten days following receipt of such  
977 warrant. Each serving officer shall collect from such person, in  
978 addition to the amount shown on such warrant, his fees and charges,  
979 which shall be twice those authorized by statute for serving officers,  
980 provided the minimum charge shall be five dollars and money  
981 collected pursuant to such warrant shall be first applied to the amount  
982 of any fees and charges of the serving officer. In the case of an  
983 employee of the state acting as a serving officer the fees and charges  
984 collected by such employee shall inure to the benefit of the state. For  
985 the purposes of this section, "keeper" means a person who has been  
986 given authority by an officer authorized to serve a tax warrant to act in  
987 the state's interest to secure the income of a business for the state and,  
988 when it is in the best interest of the state, to force the cessation of such  
989 business's operation, upon the failure of such business to pay taxes  
990 owed to the state.

991 Sec. 40. Subsection (a) of section 12-135 of the general statutes is  
992 repealed and the following is substituted in lieu thereof:

993 (a) Any collector of taxes, and any [sheriff, deputy sheriff] state  
994 marshal or constable, as he may be authorized by such collector, shall,  
995 during his term of office, have authority to collect any taxes due the  
996 municipality served by such collector for which a proper warrant and  
997 a proper alias tax warrant, in the case of the deputized officer, have  
998 been issued. Such alias tax warrant may be executed by any officer  
999 above named in any part of the state, and the collector in person may  
1000 demand and collect taxes in any part of the state on a proper warrant.  
1001 Any such [sheriff, deputy sheriff] state marshal or constable so  
1002 authorized who executes such an alias tax warrant outside of his

1003     respective precinct shall be entitled to collect from the person owing  
1004     the tax the fees allowed by law, except that the minimum total fees  
1005     shall be five dollars and the maximum total fees shall be fifteen dollars  
1006     for each alias tax warrant so executed. Upon the expiration of his term  
1007     of office the collector shall deliver to his immediate successor in office  
1008     the rate bills not fully collected and such successor shall have authority  
1009     to collect the taxes due thereon. Any person who fails to deliver such  
1010     rate bills to his immediate successor within ten days from the  
1011     qualification of such successor shall be fined not more than two  
1012     hundred dollars or imprisoned not more than six months or both.

1013     Sec. 41. Section 12-162 of the general statutes is repealed and the  
1014     following is substituted in lieu thereof:

1015     Any collector of taxes, in the execution of his tax warrants, shall  
1016     have the same authority as [sheriffs] state marshals have in executing  
1017     the duties of their office, and any [sheriff, deputy sheriff,] constable or  
1018     other officer authorized to serve any civil process may serve a warrant  
1019     for the collection of any tax assessed, and the officer shall have the  
1020     same authority as the collector concerning taxes committed to him for  
1021     collection. Upon the nonpayment of any property tax when due,  
1022     demand having been made therefor as prescribed by law for the  
1023     collection of such tax, an alias tax warrant may be issued by the tax  
1024     collector, which may be in the following form:

1025     "To [the Sheriff] a state marshal of the County of ...., [his deputy] or  
1026     any constable of the Town of .... [within said county,] Greeting: By  
1027     authority of the state of Connecticut you are hereby commanded to  
1028     collect forthwith from .... of .... the sum of .... dollars, the same being  
1029     the amount of a tax with interest or penalty and charges which have  
1030     accumulated thereon, which tax was levied by (insert name of town,  
1031     city or municipality laying the tax) upon (insert the real estate,  
1032     personal property, or both, as the case may be,) of said .... as of the ....  
1033     day of ..... (In like manner insert the amount of any other property tax  
1034     which may have been levied in any other year, including interest or  
1035     penalty and charges which have accumulated thereon). In default of



1036 payment of said amount you are hereby commanded to levy for said  
1037 tax or taxes, including interest, penalty and charges, hereinafter  
1038 referred to as the amount due on such execution, upon any goods and  
1039 chattels of such person and dispose of the same as the law directs,  
1040 notwithstanding the provisions of subsection (j) of section 52-352b,  
1041 and, after having satisfied the amount due on such execution, return  
1042 the surplus, if any, to him; or you are to levy upon the real estate of  
1043 such person and sell such real property pursuant to the provisions of  
1044 section 12-157, to pay the amount due on such execution; or you shall  
1045 make demand upon the main office of any banking institution  
1046 indebted to such person, subject to the provisions of section 52-367a or  
1047 52-367b, as if judgment for the amount due on such execution had been  
1048 entered, for that portion of any type of deposit to the credit of or  
1049 property held for such person, not exceeding in total value the amount  
1050 due on such execution; or you are to garnishee the wages due such  
1051 person from any employer, in the same manner as if a wage execution  
1052 therefor had been entered, in accordance with section 52-361a.

1053 Dated at .... this .... day of .... A.D. 19.., Tax Collector."

1054 Any officer serving such warrant shall make return to the collector  
1055 of his doings thereon within ten days of the completion of such service  
1056 and shall be entitled to collect from such person the fees allowed by  
1057 law for serving executions issued by any court. Notwithstanding the  
1058 provisions of section 52-261, any [sheriff, deputy sheriff] state marshal  
1059 or constable, authorized as provided in this section, who executes such  
1060 warrant and collects any delinquent municipal taxes as a result thereof  
1061 shall receive in addition to expenses otherwise allowed, an amount  
1062 equal to ten per cent of the taxes collected pursuant to such warrant.  
1063 The minimum fee for such service shall be twenty dollars. Any officer  
1064 unable to serve such warrant shall, within sixty days after the date of  
1065 issuance, return such warrant to the collector and in writing state the  
1066 reason it was not served.

1067 Sec. 42. Section 12-569 of the general statutes is repealed and the  
1068 following is substituted in lieu thereof:

1069 If the president of the Connecticut Lottery Corporation determines  
1070 that any lottery sales agent has breached his fiduciary responsibility to  
1071 the corporation in that the account of such lottery sales agent with  
1072 respect to moneys received from the sale of lottery tickets has become  
1073 delinquent in accordance with regulations adopted as provided in  
1074 section 12-568a, the president shall notify the executive director of the  
1075 breach of fiduciary duty and the executive director shall impose a  
1076 delinquency assessment upon such account equal to ten per cent of the  
1077 amount due or ten dollars, whichever amount is greater, plus interest  
1078 at the rate of one and one-half per cent of such amount for each month  
1079 or fraction of a month from the date such amount is due to the date of  
1080 payment. Subject to the provisions of section 12-3a, the executive  
1081 director may waive all or part of the penalties provided under this  
1082 subsection when it is proven to his satisfaction that the failure to pay  
1083 such moneys to the state within the time allowed was due to  
1084 reasonable cause and was not intentional or due to neglect. Any such  
1085 delinquent lottery sales agent shall be notified of such delinquency  
1086 assessment and shall be afforded an opportunity to contest the validity  
1087 and amount of such assessment before the executive director who is  
1088 hereby authorized to conduct such hearing. Upon request of the  
1089 president of the Connecticut Lottery Corporation, the executive  
1090 director may prepare and sign a warrant directed to any [sheriff,  
1091 deputy sheriff] state marshal, constable or any collection agent  
1092 employed by the Connecticut Lottery Corporation for distraint upon  
1093 any property of such delinquent lottery sales agent within the state,  
1094 whether personal or real property. An itemized bill shall be attached  
1095 thereto certified by the executive director as a true statement of the  
1096 amount due from such lottery sales agent. Such warrant shall have the  
1097 same force and effect as an execution issued in accordance with  
1098 chapter 906. Such warrant shall be levied on any real, personal,  
1099 tangible or intangible property of such agent and sale made pursuant  
1100 to such warrant in the same manner and with the same force and effect  
1101 as a levy and sale pursuant to an execution. The executive director,  
1102 with the advice and consent of the board, shall adopt regulations in  
1103 accordance with chapter 54 to carry out the purposes of this section.

1104       Sec. 43. Section 13a-64 of the general statutes is repealed and the  
1105       following is substituted in lieu thereof:

1106       All persons interested in laying out or altering such highway may  
1107       appear before said court and remonstrate against the acceptance of  
1108       such report for any irregularity or improper conduct on the part of the  
1109       committee, and for such a cause the court may set aside such report;  
1110       but if it is of the opinion that it ought to be accepted, and if, before its  
1111       acceptance, a jury is moved for to reestimate the damages and benefits  
1112       or either, said court shall order a jury of six to be drawn from the  
1113       boxes, in the custody of the clerk of the superior court of the judicial  
1114       district, of such towns in the county, in which such judicial district is  
1115       located, where the application is made as the court directs, and to be  
1116       summoned and attended by [the sheriff of such county personally or,  
1117       if he is interested or incapacitated, by such deputy sheriff in the  
1118       county] a state marshal as the court directs. Such jury shall be sworn  
1119       and a certificate of that fact shall be annexed to its report; and its  
1120       powers shall be confined to granting relief to the person or persons  
1121       making such application. The parties to this proceeding may challenge  
1122       any of such jurors as in a civil action; and when, by reason of any such  
1123       challenge, the panel is reduced to less than six, the clerk shall return  
1124       such number of disinterested electors from any of the towns in the  
1125       judicial district, except that in which such highway is located or in  
1126       which the owner of the land resides, as is necessary to fill such panel;  
1127       and such clerk shall, within forty-eight hours thereafter, return the  
1128       names of such persons so challenged into the boxes from which they  
1129       were drawn.

1130       Sec. 44. Subdivision (53) of subsection (a) of section 14-1 of the  
1131       general statutes is repealed and the following is substituted in lieu  
1132       thereof:

1133       (53) "Officer" includes any constable, [sheriff, deputy sheriff] state  
1134       marshal, inspector of motor vehicles, state policeman or other official  
1135       authorized to make arrests or to serve process, provided the officer is  
1136       in uniform or displays his badge of office in a conspicuous place when

1137 making an arrest.

1138 Sec. 45. Subsections (b) and (c) of section 14-12h of the general  
1139 statutes, as amended by section 2 of public act 99-232, are repealed and  
1140 the following is substituted in lieu thereof:

1141 (b) (1) If any police officer observes a motor vehicle being operated  
1142 upon the public highway, and such motor vehicle is displaying  
1143 registration number plates identified as cancelled on the list made  
1144 available by the commissioner, such police officer may (A) stop or  
1145 detain such vehicle and its occupants, (B) issue to the operator an  
1146 infractions complaint for operating an unregistered motor vehicle, or  
1147 expired registration if the vehicle is not being operated, in violation of  
1148 section 14-12, and (C) remove the registration number plates from the  
1149 vehicle and return them to any branch office of the Department of  
1150 Motor Vehicles. If any police officer, [sheriff, deputy sheriff,] motor  
1151 vehicle inspector or constable observes a motor vehicle parked in any  
1152 parking area, as defined in section 14-212, and such motor vehicle is  
1153 displaying registration number plates identified as cancelled on the list  
1154 made available by the commissioner, such police officer, [sheriff,  
1155 deputy sheriff,] motor vehicle inspector or constable is authorized to  
1156 remove the registration number plates from the vehicle and to return  
1157 them to any branch office of the Department of Motor Vehicles. If a  
1158 number plate is identified as cancelled on the list provided by the  
1159 commissioner and such identification is in error, the state shall  
1160 indemnify any police officer, [sheriff, deputy sheriff,] motor vehicle  
1161 inspector or constable for any claim for damages made against that  
1162 individual as a result of his good faith reliance on the accuracy of the  
1163 list provided by the commissioner regarding the confiscation of  
1164 number plates.

1165 (2) If any police officer observes a motor vehicle being operated  
1166 upon the public highway or parked in any parking area, as defined in  
1167 section 14-212, displaying registration number plates identified on the  
1168 list made available by the commissioner as being cancelled, such police  
1169 officer may seize and impound the vehicle. If a police officer seizes and

1170 impounds a vehicle pursuant to this subdivision, he shall give notice to  
1171 the commissioner in such form as the commissioner may require. The  
1172 police officer shall give such notice not later than three days after  
1173 seizing and impounding the vehicle.

1174 (c) The owner of any motor vehicle whose registration has been  
1175 cancelled in accordance with the provisions of sections 14-12c and 14-  
1176 12f to 14-12k, inclusive, 38a-343 and 38a-343a, shall not be eligible to  
1177 obtain a new registration for a vehicle, or a new or renewal registration  
1178 for any motor vehicle in the owner's name until the owner appears  
1179 personally at an office of the Department of Motor Vehicles and (1)  
1180 completes an application for registration, (2) furnishes proof of  
1181 insurance, in accordance with section 14-12b, and (3) pays to the  
1182 Commissioner of Motor Vehicles a restoration fee of the aggregate of  
1183 two hundred fifty dollars for the first thirty-one days such registration  
1184 is cancelled, or any portion thereof, and five dollars for each additional  
1185 day such registration is cancelled, not to exceed ninety days or five  
1186 hundred forty-five dollars, as required by section 14-50b, in addition to  
1187 any other fees required to obtain new registration and number plates,  
1188 except that the commissioner may reduce the restoration fee to the  
1189 amount of one hundred dollars if the commissioner finds that the  
1190 vehicle was not operated during the period of such cancellation and  
1191 during the period such owner failed to maintain mandatory security.  
1192 In addition, if the number plates of the vehicle whose registration was  
1193 cancelled have been confiscated, the owner of such motor vehicle shall  
1194 pay an additional confiscation fee of fifty dollars. Such confiscation fee  
1195 shall be collected from the owner of the motor vehicle and remitted by  
1196 the commissioner to the [sheriff, deputy sheriff or] constable who  
1197 confiscated the number plates or, if the plates were confiscated by a  
1198 police officer, such confiscation fee shall be remitted to the  
1199 governmental entity which employed such officer at the time of the  
1200 confiscation and shall be deposited in the asset forfeiture fund. In the  
1201 event there is no such fund, such confiscation fee shall be deposited in  
1202 the general fund of such entity.

1203 Sec. 46. Subsection (b) of section 14-12i of the general statutes, as

1204 amended by section 9 of public act 99-181, is repealed and the  
1205 following is substituted in lieu thereof:

1206 (b) In addition to other purposes authorized for the expenditure of  
1207 moneys in the Special Transportation Fund to administer the program  
1208 established by sections 14-12c and 14-12f to 14-12k, inclusive, 14-112,  
1209 14-213b, 38a-343 and 38a-343a, the Insurance Commissioner, in  
1210 consultation with the Office of Policy and Management and the  
1211 Treasurer, may establish a plan or develop a procedure to provide for  
1212 the reimbursement of municipalities [, sheriffs and deputy sheriffs] for  
1213 the necessary expenses incurred in enforcing the provisions of section  
1214 14-12h regarding the confiscation and return to the Department of  
1215 Motor Vehicles of registration number plates.

1216 Sec. 47. Subsection (c) of section 14-12n of the general statutes, as  
1217 amended by section 10 of public act 99-181, is repealed and the  
1218 following is substituted in lieu thereof:

1219 (c) Moneys in such account shall be distributed as follows: (1) Fifty  
1220 per cent shall be allocated to the Special Transportation Fund pursuant  
1221 to section 14-12i, as amended by this act, (2) forty per cent shall be  
1222 allocated to the Commissioner of Motor Vehicles who shall pay,  
1223 subject to available funds, for confiscations which occur on or after  
1224 October 1, 1998, in order of the date of confiscation, any confiscation  
1225 fee pursuant to section 14-12h, as amended by this act, which remains  
1226 unpaid after forfeiture to the [sheriff, deputy sheriff or] constable who  
1227 confiscated the number plates or, if the plates were confiscated by a  
1228 police officer, such confiscation fee shall be remitted to the  
1229 governmental entity which employed such officer at the time of the  
1230 confiscation, and (3) ten per cent shall be allocated to the Department  
1231 of Public Safety and local police departments pursuant to section  
1232 14-12h, as amended by this act, which shall be used for enforcement of  
1233 said section 14-12h, as amended by this act.

1234 Sec. 48. Subsection (c) of section 14-65 of the general statutes, as  
1235 amended by section 16 of public act 99-268, is repealed and the

1236 following is substituted in lieu thereof:

1237 (c) The provisions of this section shall not apply to a sale by a  
1238 [sheriff or such sheriff's deputy] state marshal or to a private auction  
1239 sale of motor vehicles, used by the seller, who is not a used car dealer  
1240 as defined in section 14-51, in the operation of his business or for his  
1241 personal use.

1242 Sec. 49. Section 14-151 of the general statutes is repealed and the  
1243 following is substituted in lieu thereof:

1244 [The sheriffs of the several counties and their deputies] State  
1245 marshals and the constables of the several towns shall have [, within  
1246 their respective counties and towns,] the same authority in respect to  
1247 the provisions of section 14-150 as inspectors of the Department of  
1248 Motor Vehicles, officers attached to an organized police department or  
1249 state police officers.

1250 Sec. 50. Subsection (a) of section 14-197 of the general statutes is  
1251 repealed and the following is substituted in lieu thereof:

1252 (a) A police officer [, sheriff] or constable who learns of the theft of a  
1253 vehicle not since recovered, or of the recovery of a vehicle whose theft  
1254 or conversion he knows or has reason to believe has been reported to  
1255 the commissioner, shall forthwith report the theft or recovery to the  
1256 commissioner.

1257 Sec. 51. Section 14-225 of the general statutes is repealed and the  
1258 following is substituted in lieu thereof:

1259 Any person riding on, propelling, driving or directing any vehicle,  
1260 except a motor vehicle, on a public street or highway or on any  
1261 parking area for ten cars or more or on any school property, who has  
1262 knowledge of having caused injury to the person or property of  
1263 another and neglects, at the time of the injury, to stop and ascertain the  
1264 extent of the injury and to render assistance, or refuses to give his  
1265 name and address, or gives a false name or address when the same is

1266 asked for by the person injured or by any other person in his behalf or  
1267 by a police officer, [sheriff, deputy sheriff,] motor vehicle inspector or  
1268 constable, shall be fined not more than five hundred dollars or  
1269 imprisoned not more than six months or both.

1270 Sec. 52. Subsection (a) of section 15-76 of the general statutes is  
1271 repealed and the following is substituted in lieu thereof:

1272 (a) The commissioner, any employee of the department, any officer  
1273 attached to an organized police department, any state police officer [,  
1274 any sheriff] or any constable, within his precinct, upon discovery of  
1275 any aircraft apparently abandoned, whether situated within or without  
1276 any airport or landing field in this state, shall take such aircraft into his  
1277 custody and may cause the same to be taken to and stored in a suitable  
1278 place. All charges necessarily incurred by such person in the  
1279 performance of such duty shall be a lien upon such aircraft. The owner  
1280 or keeper of any hangar or other place where such aircraft is stored  
1281 shall have a lien upon the same for his storage charges. If such aircraft  
1282 has been so stored for a period of ninety days, such owner or keeper  
1283 may sell the same at public auction for cash, at his place of business,  
1284 and apply the avails of such sale toward the payment of his charges  
1285 and the payment of any debt or obligation incurred by the person who  
1286 placed the same in storage, provided such sale shall be advertised  
1287 three times in a newspaper published or having a circulation in the  
1288 town where such hangar or other place is located, such advertisement  
1289 to commence at least five days before such sale; and, if the last place of  
1290 abode of the owner of such aircraft is known to or may be ascertained  
1291 by such hangar owner or keeper by the exercise of reasonable  
1292 diligence, notice of the time and place of sale shall be given such owner  
1293 by mailing such notice to him in a registered or certified letter, postage  
1294 paid, at such last usual place of abode, at least five days before the time  
1295 of sale. The proceeds of such sale, after deducting the amount due such  
1296 hangar owner or keeper and all expenses connected with such sale,  
1297 including the expenses of the officer who placed such aircraft in  
1298 storage, shall be paid to the owner of such aircraft or his legal  
1299 representatives, if claimed by him or them, at any time within one year



1300 from the date of such sale. If such balance is not claimed within said  
1301 period, it shall escheat to the state.

1302 Sec. 53. Subsection (a) of section 17a-8 of the general statutes is  
1303 repealed and the following is substituted in lieu thereof:

1304 (a) All children and youth who are or have been committed to the  
1305 custody of the Commissioner of Children and Families as delinquent  
1306 shall remain in such custody until such custody expires or terminates  
1307 as provided by the order of the Superior Court. Any child or youth  
1308 who while placed in an institution administered by the Department of  
1309 Children and Families escapes from such institution or any child or  
1310 youth who violates the terms or conditions of parole may be returned  
1311 to actual custody. The request of the Commissioner of Children and  
1312 Families or his designee shall be sufficient warrant to authorize any  
1313 officer of the Department of Children and Families or any officer  
1314 authorized by law to serve criminal process within this state to return  
1315 any such child or youth into actual custody; and any such officer,  
1316 police officer [ ] or constable [or sheriff] shall arrest and hold any such  
1317 child or youth when so requested, without written warrant.

1318 Sec. 54. Subsection (c) of section 17a-685 of the general statutes, as  
1319 amended by section 2 of public act 99-84, is repealed and the following  
1320 is substituted in lieu thereof:

1321 (c) Upon receipt of the application, the court shall assign a time for a  
1322 hearing not later than seven business days after the date the  
1323 application was filed. A copy of the application and physician's  
1324 certificate and the notice of the hearing, shall be served, by a [sheriff or  
1325 deputy sheriff] state marshal, constable or indifferent person not later  
1326 than three business days before the hearing on the respondent, unless  
1327 the respondent is in a facility, in which case such notice shall be by  
1328 regular mail. Such notice shall inform such respondent that he or she  
1329 has a right to be present at the hearing, that he or she has the right to  
1330 counsel and, if indigent, to have counsel appointed to represent him or  
1331 her, and that such respondent has a right to cross-examine witnesses

1332   testifying at any hearing upon that application. The court shall cause a  
1333   recording of the testimony of such hearing to be made, to be  
1334   transcribed only in the event of an appeal from the decree rendered  
1335   pursuant to this section. A copy of such transcript shall be furnished  
1336   without charge to any appellant whom the Court of Probate finds is  
1337   unable to pay for the same. The cost of said transcript shall be paid  
1338   from funds appropriated to the Judicial Department. The court shall  
1339   cause notice of said hearing to be given by regular mail to the  
1340   respondent's next of kin, a parent or legal guardian if the respondent is  
1341   a minor, the administrator of the treatment facility if the respondent  
1342   has been committed for emergency treatment pursuant to section  
1343   17a-684, and the administrator of the treatment facility to which the  
1344   respondent is to be admitted. The court may order such notice as it  
1345   directs to other persons having an interest in the respondent. If the  
1346   court finds such respondent is indigent or otherwise unable to pay for  
1347   counsel, the court shall appoint counsel for such respondent, unless  
1348   such respondent refuses counsel and the court finds that the  
1349   respondent understands the nature of such refusal. The court shall  
1350   appoint counsel for the respondent from a panel of attorneys admitted  
1351   to practice in this state provided by the Probate Court Administrator in  
1352   accordance with regulations promulgated by the Probate Court  
1353   Administrator in accordance with section 45a-77. The reasonable  
1354   compensation of appointed counsel shall be established by, and paid  
1355   from funds appropriated to, the Judicial Department. If funds have not  
1356   been included in the budget of the Judicial Department for such  
1357   purposes, such compensation shall be established by the Probate Court  
1358   Administrator and paid from the Probate Court Administration Fund.  
1359   Prior to such hearing such respondent, or the respondent's counsel, in  
1360   accordance with the provisions of sections 52-146d to 52-146i,  
1361   inclusive, shall be afforded access to all records, including without  
1362   limitation, hospital records if such respondent is hospitalized, and  
1363   shall be entitled to take notes therefrom. If such respondent is  
1364   hospitalized at the time of the hearing, the hospital shall make  
1365   available at such hearing for use by the respondent or the respondent's  
1366   counsel all records in its possession relating to the condition of the

1367 respondent. Notwithstanding the provisions of sections 52-146d to  
1368 52-146i, inclusive, all such hospital records directly relating to the  
1369 respondent shall be admissible at the request of any party or the  
1370 Probate Court in any proceeding relating to the confinement to or  
1371 release from a hospital or treatment facility. Nothing in this section  
1372 shall prevent timely objections to the admissibility of evidence in  
1373 accordance with the rules of civil procedure.

1374 Sec. 55. Subsection (d) of section 17a-699 of the general statutes is  
1375 repealed and the following is substituted in lieu thereof:

1376 (d) The court may order that the person be transferred immediately  
1377 to a treatment program provided space is available as provided in  
1378 subsection (c) of this section. If the court orders an immediate transfer,  
1379 it shall issue a mittimus directing the [sheriff] judicial marshal to  
1380 convey the person to the treatment program.

1381 Sec. 56. Subsection (a) of section 17b-745 of the general statutes, as  
1382 amended by section 28 of public act 99-279, is repealed and the  
1383 following is substituted in lieu thereof:

1384 (a) (1) The Superior Court or a family support magistrate shall have  
1385 authority to make and enforce orders for payment of support to the  
1386 Commissioner of Administrative Services or in IV-D cases, to the state  
1387 acting by and through the IV-D agency, directed to the husband or  
1388 wife and, if the patient or person is under twenty-one or, on and after  
1389 October 1, 1972, under eighteen, any parent of any patient or person  
1390 being supported by the state, wholly or in part, in a state humane  
1391 institution, or under any welfare program administered by the state  
1392 Department of Social Services, as said court finds, in accordance with  
1393 the provisions of subsection (b) of section 17b-179, or section 17a-90,  
1394 17b-81, 17b-223, 46b-129 or 46b-130, to be reasonably commensurate  
1395 with the financial ability of any such relative. Any court or family  
1396 support magistrate called upon to make or enforce such an order,  
1397 including one based upon a determination consented to by the relative,  
1398 shall insure that such order is reasonable in light of the relative's ability

1399 to pay.

1400 (2) (A) The court or family support magistrate shall include in each  
1401 support order in a IV-D support case a provision for the health care  
1402 coverage of the child which provision may include an order for either  
1403 parent to name any child under eighteen as a beneficiary of any  
1404 medical or dental insurance or benefit plan carried by such parent or  
1405 available to such parent on a group basis through an employer or a  
1406 union. If such insurance coverage is unavailable at reasonable cost, the  
1407 provision for health care coverage may include an order for either  
1408 parent to apply for and maintain coverage on behalf of the child under  
1409 the HUSKY Plan, Part B. The noncustodial parent shall be ordered to  
1410 apply for the HUSKY Plan, Part B only if such parent is found to have  
1411 sufficient ability to pay the appropriate premium. In any IV-D support  
1412 case in which the noncustodial parent is found to have insufficient  
1413 ability to provide medical insurance coverage and the custodial party  
1414 is the HUSKY Plan, Part A or Part B applicant, the provision for health  
1415 care coverage may include an order for the noncustodial parent to pay  
1416 such amount as is specified by the court or family support magistrate  
1417 to the state or the custodial party, as their interests may appear, to  
1418 offset the cost of any insurance payable under the HUSKY Plan, Part A  
1419 or Part B. In no event may such order include payment to offset the  
1420 cost of any such premium if such payment would reduce the amount  
1421 of current support required under the child support guidelines.

1422 (B) When a parent is ordered to provide insurance coverage in  
1423 accordance with subparagraph (A) of this subdivision, the court or  
1424 family support magistrate shall order the employer of such parent to  
1425 withhold from such employee's compensation the employee's share, if  
1426 any, of premiums for health coverage, except for certain circumstances  
1427 under which an employer may withhold less than such employee's  
1428 share of such premiums, as may be provided by regulation of the  
1429 Secretary of the United States Department of Health and Human  
1430 Services and pay such share of premiums to the insurer. The amount  
1431 withheld shall not exceed the maximum amount permitted to be  
1432 withheld as set forth in 15 USC 1673(b). Whenever an order of the

1433 Superior Court or family support magistrate is issued against a parent  
1434 to cover the cost of such medical or dental insurance or benefit plan for  
1435 a child who is eligible for Medicaid benefits, and such parent has  
1436 received payment from a third party for the costs of such services but  
1437 such parent has not used such payment to reimburse, as appropriate,  
1438 either the other parent or guardian or the provider of such services, the  
1439 Department of Social Services shall have the authority to request the  
1440 court or family support magistrate to order the employer of such  
1441 parent to withhold from the wages, salary or other employment  
1442 income, of such parent to the extent necessary to reimburse the  
1443 Department of Social Services for expenditures for such costs under  
1444 the Medicaid program. However, any claims for current or past due  
1445 child support shall take priority over any such claims for the costs of  
1446 such services.

1447 (3) Said court or family support magistrate shall also have authority  
1448 to make and enforce orders directed to the conservator or guardian of  
1449 any such patient or person, or the payee of Social Security or other  
1450 benefits to which such patient or person is entitled, to the extent of the  
1451 income or estate held or received by such fiduciary or payee in any  
1452 such capacity.

1453 (4) For purposes of this section, the term "father" shall include a  
1454 person who has acknowledged in writing paternity of a child born out  
1455 of wedlock, and the court or family support magistrate shall have  
1456 authority to determine, order and enforce payment of any  
1457 accumulated sums due under a written agreement to support such  
1458 child in accordance with the provisions of this section.

1459 (5) (A) Said court or family support magistrate shall also have  
1460 authority to make and enforce orders for the payment by any person  
1461 named herein of unpaid support contributions for which any such  
1462 person is liable in accordance with the provisions of subsection (b) of  
1463 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130  
1464 or, in IV-D cases, to order such person, provided such person is not  
1465 incapacitated, to participate in work activities which may include, but

1466 shall not be limited to, job search, training, work experience and  
1467 participation in the job training and retraining program established by  
1468 the Labor Commissioner pursuant to section 31-3t.

1469 (B) In the determination of support due based on neglect or refusal  
1470 to furnish support prior to the action, the support due for periods of  
1471 time prior to the action shall be based upon the obligor's ability to pay  
1472 during such prior periods. The state shall disclose to the court any  
1473 information in its possession concerning current and past ability to  
1474 pay. With respect to such orders entered on or after October 1, 1991, if  
1475 no information is available to the court concerning past ability to pay,  
1476 the court may determine the support due for periods of time prior to  
1477 the action as if past ability to pay is equal to current ability to pay if  
1478 known or, if not known, based upon assistance rendered to the child.

1479 (C) Any finding as to support due for periods of time prior to the  
1480 action which is made without information concerning past ability to  
1481 pay shall be entered subject to adjustment when such information  
1482 becomes available to the court. Such adjustment may be made upon  
1483 motion of any party within four months from the date upon which the  
1484 obligor receives notification of (i) the amount of such finding of  
1485 support due for periods of time prior to the action, and (ii) the right  
1486 within four months of receipt of such notification to present evidence  
1487 as to such obligor's past ability to pay support for such periods of time  
1488 prior to the action.

1489 (6) All payments ordered by the court or family support magistrate  
1490 under this section shall be made to the Commissioner of  
1491 Administrative Services or, in IV-D cases, to the state acting by and  
1492 through the IV-D agency, as the court or family support magistrate  
1493 may determine, for the period during which the supported person is  
1494 receiving assistance or care from the state, provided, in the case of  
1495 beneficiaries of any program of public assistance, upon the  
1496 discontinuance of such assistance, payments shall be distributed to the  
1497 beneficiary, beginning with the effective date of discontinuance. Any  
1498 order of payment made under this section may, at any time after being

1499 made, be set aside or altered by the court or a family support  
1500 magistrate.

1501 (7) (A) Proceedings to obtain orders of support under this section  
1502 shall be commenced by the service on the liable person or persons of a  
1503 verified petition of the Commissioner of Administrative Services, the  
1504 Commissioner of Social Services or their designees. The verified  
1505 petition shall be filed by any of said commissioners or their designees  
1506 in the judicial district of the court or Family Support Magistrate  
1507 Division in which the patient, applicant, beneficiary, recipient or the  
1508 defendant resides. The judge or family support magistrate shall cause  
1509 a summons, signed by such judge or magistrate, by the clerk of said  
1510 court, or by a commissioner of the Superior Court to be issued,  
1511 requiring such liable person or persons to appear before the court or a  
1512 family support magistrate at a time and place as determined by the  
1513 clerk but not more than ninety days after the issuance of the summons  
1514 to show cause, if any, why the request for relief in such petition should  
1515 not be granted. The verified petition, summons and order shall be on  
1516 forms prescribed by the Office of the Chief Court Administrator.

1517 (B) Service of process issued under this section may be made by a  
1518 [sheriff] state marshal, any proper officer or any investigator employed  
1519 by the Department of Social Services or by the Commissioner of  
1520 Administrative Services. The [sheriff] state marshal, proper officer or  
1521 investigator shall make due return of process to the court not less than  
1522 twenty-one days before the date assigned for hearing. Upon proof of  
1523 the service of the summons to appear before the court or a family  
1524 support magistrate, at the time and place named for hearing upon such  
1525 petition, the failure of the defendant to appear shall not prohibit the  
1526 court or family support magistrate from going forward with the  
1527 hearing.

1528 (8) Failure of any defendant to obey an order of the court or Family  
1529 Support Magistrate Division made under this section may be punished  
1530 as contempt of court. If the summons and order is signed by a  
1531 commissioner of the Superior Court, upon proof of service of the

1532 summons to appear in court or before a family support magistrate and  
1533 upon the failure of the defendant to appear at the time and place  
1534 named for hearing upon the petition, request may be made by the  
1535 petitioner to the court or family support magistrate for an order that a  
1536 *capias mittimus* be issued. Except as otherwise provided, upon proof  
1537 of the service of the summons to appear in court or before a family  
1538 support magistrate at the time and place named for a hearing upon the  
1539 failure of the defendant to obey the court order as contempt of court,  
1540 the court or the family support magistrate may order a *capias mittimus*  
1541 to be issued and directed to some proper officer to arrest such  
1542 defendant and bring such defendant before the Superior Court for the  
1543 contempt hearing. The costs of commitment of any person imprisoned  
1544 therefor shall be paid by the state as in criminal cases. When any such  
1545 defendant is so found in contempt, the court or family support  
1546 magistrate may award to the petitioner a reasonable attorney's fee and  
1547 the fees of the officer serving the contempt citation, such sums to be  
1548 paid by the person found in contempt.

1549 (9) In addition to or in lieu of contempt proceedings, the court or  
1550 family support magistrate, upon a finding that any person has failed to  
1551 obey any order made under this section, may issue an order directing  
1552 that an income withholding order issue against such amount of any  
1553 debt accruing by reason of personal services due and owing to such  
1554 person in accordance with section 52-362, or against such lesser  
1555 amount of such excess as said court or family support magistrate  
1556 deems equitable, for payment of accrued and unpaid amounts due  
1557 under such order and all amounts which thereafter become due under  
1558 such order. On presentation of such income withholding order by the  
1559 officer to whom delivered for service to the person or persons or  
1560 corporation from whom such debt accruing by reason of personal  
1561 services is due and owing, or thereafter becomes due and owing, to the  
1562 person against whom such support order was issued, such income  
1563 withholding order shall be a lien and a continuing levy upon such debt  
1564 to the amount specified therein, which shall be accumulated by the  
1565 debtor and paid directly to the Commissioner of Administrative



1566 Services or, in IV-D cases, to the state acting by and through the IV-D  
1567 agency, in accordance with section 52-362, until such income  
1568 withholding order and expenses are fully satisfied and paid, or until  
1569 such income withholding order is modified.

1570 (10) No entry fee, judgment fee or any other court fee shall be  
1571 charged by the court to either party in actions under this section.

1572 (11) Written statements from employers as to property, insurance,  
1573 wages, indebtedness and other information obtained by the  
1574 Commissioner of Social Services, or the Commissioner of  
1575 Administrative Services under authority of section 17b-137, shall be  
1576 admissible in evidence in actions under this section.

1577 Sec. 57. Section 18-28 of the general statutes is repealed and the  
1578 following is substituted in lieu thereof:

1579 Said board shall have all the authority of the Superior Court to  
1580 compel the attendance of witnesses summoned by the secretary of said  
1581 board or other competent authority. [The sheriff of Hartford County or  
1582 his deputy shall attend the sessions of said board and shall receive  
1583 therefor the fees provided for the sheriff's attendance upon sessions of  
1584 the Superior Court.]

1585 Sec. 58. Section 20-325a of the general statutes is repealed and the  
1586 following is substituted in lieu thereof:

1587 (a) No person who is not licensed under the provisions of this  
1588 chapter, and who was not so licensed at the time he performed the acts  
1589 or rendered the services for which recovery is sought, shall commence  
1590 or bring any action in any court of this state, after October 1, 1971, to  
1591 recover any commission, compensation or other payment in respect of  
1592 any act done or service rendered by him, the doing or rendering of  
1593 which is prohibited under the provisions of this chapter except by  
1594 persons duly licensed under this chapter.

1595 (b) No person, licensed under the provisions of this chapter, shall

1596 commence or bring any action in respect of any acts done or services  
1597 rendered after October 1, 1995, as set forth in subsection (a), unless the  
1598 acts or services were rendered pursuant to a contract or authorization  
1599 from the person for whom the acts were done or services rendered. To  
1600 satisfy the requirements of this subsection any contract or  
1601 authorization shall: (1) Be in writing, (2) contain the names and  
1602 addresses of the real estate broker performing the services and the  
1603 name of the person or persons for whom the acts were done or services  
1604 rendered, (3) show the date on which such contract was entered into or  
1605 such authorization given, (4) contain the conditions of such contract or  
1606 authorization, (5) be signed by the real estate broker or the real estate  
1607 broker's authorized agent, (6) if such contract or authorization pertains  
1608 to any real property, include the following statement: "THE REAL  
1609 ESTATE BROKER MAY BE ENTITLED TO CERTAIN LIEN RIGHTS  
1610 PURSUANT TO SUBSECTION (d) OF SECTION 20-325a OF THE  
1611 CONNECTICUT GENERAL STATUTES", and (7) be signed by the  
1612 person or persons for whom the acts were done or services rendered or  
1613 by an agent authorized to act on behalf of such person or persons,  
1614 pursuant to a written document executed in the manner provided for  
1615 conveyances in section 47-5, except, if the acts to be done or services  
1616 rendered involve a listing contract for the sale of land containing any  
1617 building or structure occupied or intended to be occupied by no more  
1618 than four families, be signed by the owner of the real estate or by an  
1619 agent authorized to act on behalf of such owner pursuant to a written  
1620 document executed in the manner provided for conveyances in section  
1621 47-5.

1622 (c) Nothing in subsection (a) of this section or subdivisions (2) to (6),  
1623 inclusive, of subsection (b) of this section shall prevent any licensee  
1624 from recovering any commission, compensation or other payment in  
1625 respect to any acts done or services rendered, if such person has  
1626 substantially complied with subdivisions (2) to (6), inclusive, of  
1627 subsection (b) of this section and it would be inequitable to deny such  
1628 recovery.

1629 (d) A licensed real estate broker who has performed acts or

1630 rendered services relating to real property upon terms provided for in  
1631 a written contract or agreement between such broker and the owner  
1632 for whom such acts were done or services rendered shall have a lien  
1633 upon such real property. Such lien shall be in the amount of the  
1634 compensation agreed upon by and between the broker and the owner  
1635 for whom such acts were done or services rendered.

1636 (e) Except as provided in subsections (f), (g) and (h), the lien  
1637 provided for in this section shall not attach until the broker is entitled  
1638 to compensation, without any contingencies, other than closing or  
1639 transfer of title, under the terms set forth in the written contract and  
1640 the broker has recorded the claim for lien prior to the actual  
1641 conveyance or lease of such real property with the town clerk of the  
1642 town where such property is located.

1643 (f) Except as provided in subsection (g), when a broker is entitled to  
1644 compensation from the owner of real property in instalments, a  
1645 portion of which is due only after the conveyance or lease of the real  
1646 property, any claim for lien for those payments due after the  
1647 conveyance or lease may be recorded at any time subsequent to the  
1648 conveyance or lease of the real property and prior to the date on which  
1649 the payment is due but shall only be effective as a claim for lien against  
1650 the real property to the extent moneys are still owed to the transferor  
1651 by the transferee. A single claim for lien recorded prior to conveyance  
1652 or lease of the real property claiming all moneys due under an  
1653 instalment payment agreement shall not be valid or enforceable as it  
1654 pertains to payments due after the conveyance or lease. The lien shall  
1655 attach as of the recording of the claim for lien.

1656 (g) In the case of a lease for real property the claim for lien must be  
1657 recorded within thirty days after the tenant takes possession of the  
1658 leased premises unless written notice of the intended signing of the  
1659 lease is delivered to the broker entitled to claim a lien by registered or  
1660 certified mail, return receipt requested, or by personal service, at least  
1661 ten days prior to the date of the intended signing of the lease for the  
1662 real property in which case the claim for lien must be recorded before

1663 the date indicated for the signing of the lease in the notice delivered to  
1664 the broker. The lien shall attach as of the recording of the claim for lien.

1665 (h) If a broker's written contract for payment is with a prospective  
1666 buyer, then the lien shall attach only after the prospective buyer  
1667 accepts the conveyance or lease of the real property and the claim for  
1668 lien is recorded by the broker with the town clerk of the town in which  
1669 such property is located. Any claim for lien shall be filed by the broker  
1670 no later than thirty days after the conveyance or the tenant takes  
1671 possession of the real property.

1672 (i) The broker shall serve a copy of the claim for lien on the owner of  
1673 the real property. Service shall be made by mailing a copy of the claim  
1674 for lien by registered or certified mail, return receipt requested, or by  
1675 personal service upon the owner by any indifferent person, [sheriff]  
1676 state marshal or other proper officer, by leaving with such owner or at  
1677 the owner's usual place of abode a true and attested copy thereof. A  
1678 copy of the claim for lien may be served at the same time as the notice  
1679 required by subsection (q) of this section. The broker's lien shall be  
1680 void and unenforceable if recording does not occur within the time  
1681 period and in the manner required by this section.

1682 (j) A broker may bring suit to enforce a claim for lien in the superior  
1683 court in the judicial district where the real property is located by filing  
1684 a complaint and sworn affidavit that the claim for lien has been  
1685 recorded in accordance with this section. The person claiming a lien  
1686 shall, unless the claim is based upon an option to purchase the real  
1687 property, within one year after recording the claim for lien, commence  
1688 foreclosure by filing a complaint. Failure to commence foreclosure  
1689 within one year after recording the lien shall extinguish the lien. No  
1690 subsequent claim for lien may be given for the same claim nor may  
1691 that claim be asserted in any proceedings under this section. A person  
1692 claiming a lien based upon an option to purchase shall, within six  
1693 months after the conveyance or lease of the real property under the  
1694 exercise of the option to purchase, commence foreclosure by filing a  
1695 complaint and a sworn affidavit that the claim for lien has been

1696 recorded in accordance with this section. Failure to commence  
1697 foreclosure within this time shall extinguish that claim for lien. No  
1698 subsequent claim for lien may be given for the same claim nor may  
1699 that claim be asserted in any proceedings under this section. The  
1700 plaintiff shall issue summons and provide service as in actions to  
1701 foreclose a mortgage. When any defendant resides out of the state or is  
1702 temporarily located out of the state, or on inquiry cannot be found, or  
1703 is concealed within this state so that process cannot be served on that  
1704 defendant, the plaintiff shall cause a notice to be given to that  
1705 defendant, or cause a copy of the complaint to be served upon that  
1706 defendant, in the manner and upon the same conditions as in actions  
1707 to foreclose a mortgage. Except as otherwise provided in this section,  
1708 all liens claimed under this section shall be foreclosed in the manner in  
1709 which mortgage foreclosures are conducted.

1710 (k) The claim for lien shall state the name of the claimant, the name  
1711 of the owner, a description of the real property upon which the lien is  
1712 being claimed, the amount for which the lien is claimed, and the real  
1713 estate license number of the broker. The claim for lien shall contain a  
1714 sworn statement by the signatory that the information contained in the  
1715 notice is true and accurate to the knowledge of the signatory. The  
1716 claim for lien shall be signed by the broker.

1717 (l) Whenever a claim for lien has been recorded with the town clerk  
1718 and a condition occurs that would preclude the broker from receiving  
1719 compensation under the terms of the broker's written contract or  
1720 agreement, the broker shall provide within thirty days of demand to  
1721 the owner of record a written release or satisfaction of the lien.

1722 (m) Upon written demand of the owner or the owner's authorized  
1723 agent, served on the broker claiming the lien requiring suit to be  
1724 commenced to enforce the lien, a suit shall be commenced within  
1725 forty-five days thereafter, or the claim for lien shall be extinguished.  
1726 Service of any such written demand shall be by registered or certified  
1727 mail, return receipt requested, or by personal service upon the broker  
1728 by any indifferent person, [sheriff] state marshal or other proper

1729 officer, by leaving with such broker or at the broker's usual place of  
1730 abode a true and attested copy thereof.

1731 (n) Whenever a claim for lien has been recorded with the town clerk  
1732 and is paid, or where there is failure to foreclose to enforce the lien  
1733 within the time provided by this section, the broker shall acknowledge  
1734 satisfaction or release the claim for lien, in writing, on written demand  
1735 of the owner within thirty days after payment or expiration of the time  
1736 in which to commence foreclosure on the lien.

1737 (o) Except as otherwise provided in this section, whenever a claim  
1738 for lien has been recorded with the town clerk, that would prevent the  
1739 closing of a conveyance or lease, an escrow account shall be  
1740 established from the proceeds of the conveyance or lease in the amount  
1741 of the compensation agreed upon by the parties. Upon the  
1742 establishment of the escrow account the broker shall immediately  
1743 release the claim for lien. The establishment of an escrow account, as  
1744 provided for in this section, shall not be the sole cause for the owner to  
1745 refuse to complete the conveyance or lease. These moneys shall be held  
1746 in escrow by the attorney for the lessor in the case of a lease for real  
1747 property and by the attorney for the owner in the case of the actual  
1748 conveyance or lease of such real property until the parties' rights to the  
1749 escrowed moneys have been determined by the written contract or  
1750 agreement of the parties, a determination by the Superior Court, or  
1751 some other process which may be agreed to by the parties. When there  
1752 are sufficient funds in the amount of the claimed lien, there shall be a  
1753 release of the claim for lien which would allow completion of the  
1754 conveyance or lease on such terms as are acceptable to the parties  
1755 involved in the conveyance or lease. If the proceeds from the  
1756 conveyance or lease are insufficient to release all liens claimed against  
1757 the real property, including the broker's claim for lien, then the parties  
1758 are not required to establish the escrow account under this section.

1759 (p) The provisions of subsections (a) and (b) of this section shall not  
1760 apply to any person excepted from the provisions of this chapter by  
1761 section 20-329 with respect to any acts performed by him which are

1762 included in such exception; or to any real estate broker or real estate  
1763 salesperson who has provided services to the federal government, any  
1764 political subdivision thereof, or any corporation, institution or quasi-  
1765 governmental agency chartered by the federal government.

1766 (q) No broker is entitled to claim any lien under this section, unless,  
1767 after the broker is entitled to compensation, without contingencies,  
1768 other than closing or transfer of title, under the terms set forth in the  
1769 written contract and not later than three days prior to the date of the  
1770 conveyance or lease as set forth in the real estate sales contract or lease,  
1771 the broker gives written notice of the claim for lien to the owner of the  
1772 real property and to the prospective buyer that he is entitled to  
1773 compensation under the terms set forth in the written contract and  
1774 intends to claim a lien on the real property. The notice shall be served  
1775 upon the owner and the prospective buyer by any indifferent person,  
1776 [sheriff] state marshal or other proper officer, by leaving with such  
1777 owner and prospective buyer or at their usual place of abode a true  
1778 and attested copy thereof. When there are two or more owners, or two  
1779 or more buyers, the notice shall be served on each owner and on each  
1780 buyer.

1781 Sec. 59. Section 20-325e of the general statutes is repealed and the  
1782 following is substituted in lieu thereof:

1783 (a) Whenever one or more real property claims for liens are placed  
1784 upon any real estate pursuant to section 20-325a, the owner of the real  
1785 estate, if no action to foreclose the claim is then pending before any  
1786 court, may make application, together with a proposed order and  
1787 summons, to the superior court for the judicial district in which the  
1788 lien may be foreclosed under the provisions of section 20-325a or to  
1789 any judge thereof, that a hearing or hearings be held to determine  
1790 whether the claim for lien or liens should be discharged or reduced.  
1791 The court or judge shall thereupon order reasonable notice of the  
1792 application to be given to the lienor or lienors named therein and, if  
1793 the application is not made by all owners of the real estate as may  
1794 appear of record, shall order reasonable notice of the application to be

1795 given to all other such owners, and shall set a date or dates for the  
1796 hearing or hearings to be held thereon. If the lienor or lienors or any  
1797 owner entitled to notice is not a resident of this state, the notice shall be  
1798 given by personal service, registered or certified mail, publication or  
1799 such other method as the court or judge shall direct. At least four days  
1800 notice shall be given to the lienor, lienors or owners entitled to notice  
1801 prior to the date of the hearing.

1802 (b) The application, order and summons shall be substantially in the  
1803 following form:

1804  
1805 APPLICATION FOR DISCHARGE OR  
1806 REDUCTION OF REAL PROPERTY  
1807 CLAIM FOR LIEN  
1808

1809 To the .... Court of ....

1810 The undersigned represents:

1811 1. That .... is the owner of the real estate described in Schedule A  
1812 attached hereto.

1813 2. That the names and addresses of all other owners of record of  
1814 such real estate are as follows:

1815 3. That on or about ..., (date) ..., (name of lienor) of .... (address of  
1816 lienor) placed a real property claim for lien on such real estate and  
1817 gave notice thereof.

1818 4. That there is not probable cause to sustain the validity of such  
1819 claim for lien (or: That such claim for lien is excessive).

1820 5. That the applicant seeks an order for discharge (or reduction) of  
1821 such claim for lien.

1822 Name of Applicant  
1823 By ....  
1824 His Attorney



1825

1826

## ORDER

1827

1828 The above application having been presented to the court, it is hereby  
1829 ordered, that a hearing be held thereon at .... a.m. and that the  
1830 applicant give notice to the following persons: (Names and addresses  
1831 of persons entitled to notice) of the pendency of said application and of  
1832 the time when it will be heard by causing a true and attested copy of  
1833 the application, and of this order to be served upon such persons by  
1834 some proper officer or indifferent person on or before .... and that due  
1835 return of such notice be made to this court.

1836 Dated at .... this .... day of .... 19...

1837

1838

## SUMMONS

1839

1840 To the [sheriff] state marshal of the county of .... [, his deputy,] or  
1841 either constable of the town of ...., in said county,

1842 Greeting:

1843 By authority of the state of Connecticut, you are hereby commanded  
1844 to serve a true and attested copy of the above application and order  
1845 upon ...., of .... by leaving the same in his hands or at his usual place of  
1846 abode (or such other notice as ordered by the court) on or before ....

1847 Hereof fail not but due service and return make.

1848 Dated at .... this .... day of .... 19...

1849

Commissioner of the Superior Court

1850

1851 (1) The clerk upon receipt of all the documents in duplicate, if he  
1852 finds them to be in proper form, shall fix a date for a hearing on the  
1853 application and sign the order of hearing and notice. An entry fee of  
1854 twenty dollars shall then be collected and a copy of the original  
1855 document shall be placed in the court file.

1856       (2) The clerk shall deliver to the applicant's attorney the original of  
1857 the documents for service. Service having been made, the original  
1858 documents shall be returned to the court with the endorsement by the  
1859 officer of his doings.

1860       (c) If an action for foreclosure of the claim for lien is pending before  
1861 any court, any party to that action may at any time prior to trial, unless  
1862 an application under subsection (a) of this section has previously been  
1863 ruled upon, move that the claim for lien be discharged or reduced.

1864       (d) No more than one application under subsection (a) of this  
1865 section or motion under subsection (c) of this section shall be ruled  
1866 upon with respect to any single real property claim for lien, except that  
1867 this subsection shall not preclude an application or motion by a person  
1868 not given notice of the prior application or not a party to the action at  
1869 the time the prior motion was ruled upon.

1870       Sec. 60. Section 21-35j of the general statutes is repealed and the  
1871 following is substituted in lieu thereof:

1872       The provisions of this chapter shall not apply to or affect sales or  
1873 persons conducting such sales pursuant to an order or process of a  
1874 court of competent jurisdiction or to any [sheriff] state marshal,  
1875 constable or other public or court officer or to any other person acting  
1876 under the license, direction or authority of any state or federal court  
1877 selling goods, wares or merchandise in the course of their official  
1878 duties or to end of the season sales or to sales limited to closing out a  
1879 particular brand or line of goods.

1880       Sec. 61. Section 22-286 of the general statutes is repealed and the  
1881 following is substituted in lieu thereof:

1882       The Commissioner of Agriculture shall have authority to cooperate  
1883 with the Animal and Plant Health Inspection Service, Veterinary  
1884 Services, of the United States Department of Agriculture in any  
1885 national system adopted by said department or service for the  
1886 eradication of bovine tuberculosis or any contagious or infectious

1887 disease of any bovine animal. Said commissioner may accept from the  
1888 United States such assistance, financial or otherwise, for the  
1889 condemnation of diseased animals, for remunerating the owners  
1890 thereof and for carrying out the provisions of this chapter and chapter  
1891 432, as may be available from time to time. Upon the acceptance of said  
1892 system by the Governor, the inspectors of the Animal and Plant Health  
1893 Inspection Service, Veterinary Services, of the United States  
1894 Department of Agriculture shall have the right of inspection,  
1895 quarantine and condemnation of animals affected with any contagious,  
1896 infectious or communicable disease or suspected to be affected with, or  
1897 that have been exposed to, any such disease, and may enter any  
1898 grounds or premises for these purposes. They may call upon [sheriffs  
1899 and] constables to assist them in the discharge of their duties in  
1900 carrying out the provisions of such national system and of this section,  
1901 [and sheriffs] and constables shall render such assistance when so  
1902 called upon.

1903 Sec. 62. Section 22-326b of the general statutes is repealed and the  
1904 following is substituted in lieu thereof:

1905 The Commissioner of Agriculture may cooperate with the United  
1906 States Department of Agriculture in any national system adopted by  
1907 said department for the eradication of avian diseases. The  
1908 commissioner may accept from the United States such assistance,  
1909 financial or otherwise, for the condemnation of diseased poultry, for  
1910 remunerating the owners thereof, and for carrying out the provisions  
1911 of sections 22-324, 22-326a and this section, as may be available from  
1912 time to time. Upon the acceptance of such system by the Governor, the  
1913 United States Department of Agriculture shall have the right of  
1914 inspection, quarantine and condemnation of poultry and poultry  
1915 products affected with any infectious, contagious or transmissible  
1916 diseases or suspected to be affected with, or that have been exposed to,  
1917 any such disease, and may enter any grounds or premises for these  
1918 purposes. They may call upon [sheriffs and] constables to assist them  
1919 in the discharge of their duties in carrying out the provisions of such  
1920 national system and of this section, [and sheriffs] and constables shall

1921 render such assistance when called upon.

1922 Sec. 63. Section 22-330 of the general statutes is repealed and the  
1923 following is substituted in lieu thereof:

1924 The commissioner, the Chief Animal Control Officer and any  
1925 animal control officer in any part of the state, any regional animal  
1926 control officer in the territory to which he is assigned and any  
1927 municipal animal control officer in the municipality for which he has  
1928 been appointed may arrest any person and may issue a written  
1929 complaint and summons in furtherance thereof for any violation of any  
1930 law relating to dogs or to any domestic animal in the same manner  
1931 [sheriffs,] police officers or constables may exercise in their respective  
1932 jurisdictions.

1933 Sec. 64. Subsection (a) of section 22a-178 of the general statutes is  
1934 repealed and the following is substituted in lieu thereof:

1935 (a) If the commissioner finds that any person has violated any  
1936 provision of this chapter, or any regulation, order, or permit adopted  
1937 or issued thereunder, he may issue a written order against the person  
1938 alleged to be committing such violation and shall cause a true copy  
1939 thereof to be served upon such person by certified mail with return  
1940 receipt requested or by a [sheriff] state marshal or indifferent person,  
1941 and the original thereof, with a return of such service endorsed  
1942 thereon, shall be filed with the commissioner. Such order shall specify  
1943 the nature of the violation and specify a reasonable period of time  
1944 within which such person shall take such measures as will correct or  
1945 remedy any such violation.

1946 Sec. 65. Subsection (b) of section 22a-225 of the general statutes is  
1947 repealed and the following is substituted in lieu thereof:

1948 (b) Each order issued under this chapter shall be served by certified  
1949 mail, return receipt requested, or by service by a [sheriff] state marshal  
1950 or indifferent person. If the order is served by a [sheriff] state marshal  
1951 or indifferent person, a true copy of the order shall be served, and the

1952 original, with a return of such service endorsed thereon, shall be filed  
1953 with the Commissioner of Environmental Protection. The order shall  
1954 be deemed to be issued upon service or upon deposit in the mail. Any  
1955 order issued pursuant to this chapter shall state the basis on which it is  
1956 issued and shall specify a reasonable time for compliance.

1957 Sec. 66. Subsection (a) of section 22a-250a of the general statutes is  
1958 repealed and the following is substituted in lieu thereof:

1959 (a) When any vehicle used as a means of disposing of hazardous  
1960 waste without a permit required under the federal Resource  
1961 Conservation and Recovery Act of 1976, or as a means of committing a  
1962 violation of any of the provisions of section 22a-208a, section 22a-208c,  
1963 subsection (c) or (d) of section 22a-250 or section 22a-252, has been  
1964 seized as a result of a lawful arrest or lawful search, pursuant to a  
1965 criminal search and seizure warrant issued under authority of section  
1966 54-33c, which the state claims to be a nuisance and desires to have  
1967 destroyed or disposed of in accordance with the provisions of this  
1968 section, the judge or court issuing any such warrant or before whom  
1969 the arrested person is to be arraigned shall, within ten days after such  
1970 seizure, cause to be left with the owner of, and with any person  
1971 claiming of record a bona fide mortgage, assignment of lease or rent,  
1972 lien or security interest in, the vehicle so seized, or at his usual place of  
1973 abode, if he is known, or, if unknown, at the place where the vehicle  
1974 was seized, a summons notifying the owner and any such other person  
1975 claiming such interest and all others to whom it may concern to appear  
1976 before such judge or court, at a place and time specified in such notice,  
1977 which shall be not less than six nor more than twelve days after the  
1978 service thereof. Such summons may be signed by a clerk of the court or  
1979 his assistant and service may be made by a local or state police officer,  
1980 [sheriff, deputy sheriff] state marshal, constable or other person  
1981 designated by the Commissioner of Environmental Protection. It shall  
1982 describe such vehicle with reasonable certainty and state when and  
1983 where and why the same was seized.

1984 Sec. 67. Subsection (f) of section 23-37 of the general statutes is

1985 repealed and the following is substituted in lieu thereof:

1986 (f) Any state forest fire control personnel or fire warden shall have  
1987 [all] the [powers of a deputy sheriff in the] power to arrest [of] any  
1988 person for an alleged violation of the provisions of any statute for the  
1989 protection of forest and timber land.

1990 Sec. 68. Section 23-40 of the general statutes is repealed and the  
1991 following is substituted in lieu thereof:

1992 The state forest fire warden may appoint patrolmen, who shall  
1993 receive compensation for the time actually employed, and may  
1994 establish and equip fire lookout stations and furnish necessary  
1995 equipment for such patrolmen. Any patrolman so appointed for such  
1996 purpose shall have [all the powers of a deputy sheriff in] the power to  
1997 arrest [of] any person for an alleged violation of any provision of the  
1998 statutes for the protection of forest and timber land and shall also have  
1999 authority to summon assistance as provided in section 23-37 and to  
2000 render bills for such expenses as provided in section 23-39.

2001 Sec. 69. Subsection (b) of section 26-6 of the general statutes is  
2002 repealed and the following is substituted in lieu thereof:

2003 (b) Conservation officers, special conservation officers and  
2004 patrolmen may, without warrant, arrest any person for any violation of  
2005 any of the provisions set forth in subsection (a) of this section, and any  
2006 full-time conservation officer shall, in the performance of his duties in  
2007 any part of the state, have the same powers to enforce such laws as do  
2008 [sheriffs,] policemen or constables in their respective jurisdictions. Any  
2009 full-time conservation officer shall, incident to a lawful arrest while  
2010 enforcing such laws in the performance of his duties in any part of the  
2011 state, have the same powers with respect to criminal matters and the  
2012 enforcement of the law relating thereto as [sheriffs,] policemen or  
2013 constables have in their respective jurisdictions.

2014 Sec. 70. Section 26-206 of the general statutes is repealed and the  
2015 following is substituted in lieu thereof:

2016       The Commissioner of Agriculture may, upon the application of the  
2017 Oystermen's Protective Association of Connecticut or the owner of any  
2018 oyster franchise or grounds or any natural growers' association, during  
2019 such time as the commissioner may determine, appoint and  
2020 commission such number of policemen as he deems necessary to be  
2021 designated by such association or owner, who, having been sworn to  
2022 the faithful performance of their duties, may act as policemen upon the  
2023 tidal waters and flats of this state and upon any boats, wharves or  
2024 docks owned, leased or controlled by said association or a member  
2025 thereof or an owner of oyster grounds. Said commissioner shall cause a  
2026 record to be made of the issuance or revocation of any such  
2027 commission. Any person so appointed shall have the powers [of a  
2028 sheriff in making] to make arrests and, when on duty, shall wear in  
2029 plain view a badge bearing conspicuously the words "Shellfish  
2030 Policeman".

2031       Sec. 71. Subsection (a) of section 27-189 of the general statutes is  
2032 repealed and the following is substituted in lieu thereof:

2033       (a) Any person not subject to this code who: (1) Has been duly  
2034 subpoenaed to appear as a witness or to produce books and records  
2035 before a military court or before any military or civil officer designated  
2036 to take a deposition to be read in evidence before such a court; (2) has  
2037 been duly paid or tendered the fees and mileage of a witness at the  
2038 rates allowed to witnesses attending the civil courts of the state; and  
2039 (3) refuses to appear and testify or refuses to produce any evidence  
2040 which that person has been duly subpoenaed to produce, may be, by  
2041 warrant signed by the military judge, by the president of the court-  
2042 martial, if a special court-martial to which no military judge has been  
2043 detailed, or by the summary court officer and directed to [the sheriff of  
2044 the county, his deputy] a state marshal or any constable of the town in  
2045 which such witness resides, committed to a community correctional  
2046 center, there to be held at his own expense until discharged by due  
2047 course of law.

2048       Sec. 72. Section 29-1g of the general statutes is repealed and the

2049 following is substituted in lieu thereof:

2050 The Commissioner of Public Safety may appoint not more than two  
2051 persons nominated by the Commissioner of Social Services as special  
2052 policemen in the Bureau of Child Support Enforcement of the  
2053 Department of Social Services for the service of any warrant or capias  
2054 mittimus issued by the courts on child support matters. Such  
2055 appointees, having been sworn, shall serve at the pleasure of the  
2056 Commissioner of Public Safety and, during such tenure, shall have all  
2057 the powers conferred on the state policemen [, sheriffs and their  
2058 deputies] and state marshals.

2059 Sec. 73. Section 29-7 of the general statutes is repealed and the  
2060 following is substituted in lieu thereof:

2061 The Division of State Police within the Department of Public Safety,  
2062 upon its initiative, or when requested by any person, shall, whenever  
2063 practical, assist in or assume the investigation, detection and  
2064 prosecution of any criminal matter or alleged violation of law. All state  
2065 policemen shall have, in any part of the state, the same powers with  
2066 respect to criminal matters and the enforcement of the law relating  
2067 thereto as [sheriffs,] policemen or constables have in their respective  
2068 jurisdictions. Said commissioner shall devise and make effective a  
2069 system of police patrols throughout the state, exclusive of cities and  
2070 boroughs, for the purpose of preventing or detecting any violation of  
2071 the criminal law or any law relating to motor vehicles and shall  
2072 establish and maintain such barracks or substations as may prove  
2073 necessary to accomplish such purpose.

2074 Sec. 74. Section 29-10 of the general statutes is repealed and the  
2075 following is substituted in lieu thereof:

2076 Any person may, and any [deputy sheriff or] policeman, with the  
2077 consent of the authority to which he is subject, shall, go to any part of  
2078 the state when required by the Commissioner of Public Safety, and,  
2079 while so acting under the authority of the commissioner, shall have all  
2080 the powers conferred on state policemen and shall be paid such sum as



2081 is fixed by said commissioner.

2082 Sec. 75. Section 29-12 of the general statutes is repealed and the  
2083 following is substituted in lieu thereof:

2084 All persons arrested for crime as described in section 29-11 shall  
2085 submit to the taking of their fingerprints and physical description and  
2086 all [sheriffs,] constables and chiefs of police of organized police  
2087 departments and the commanding officers of state police stations shall  
2088 immediately furnish to the State Police Bureau of Identification two  
2089 copies of a standard identification card on which shall be imprinted  
2090 fingerprints of each person so arrested, together with the physical  
2091 description of, and such information as said bureau may require with  
2092 respect to, such arrested person. All wardens of correctional  
2093 institutions and the community correctional center administrator shall  
2094 furnish to the State Police Bureau of Identification such information  
2095 with respect to prisoners as said bureau requires. The Commissioner of  
2096 Public Safety may adopt regulations for the submission to and the  
2097 taking of fingerprints as required under this section which will  
2098 promote efficiency and be consistent with advances in automation and  
2099 technology.

2100 Sec. 76. Section 29-18a of the general statutes is repealed and the  
2101 following is substituted in lieu thereof:

2102 The Commissioner of Public Safety may appoint one or more  
2103 persons to act as special policemen in the Department of Public Safety,  
2104 for the purpose of investigating public assistance fraud relating to the  
2105 beneficiaries of public assistance in this state. Such appointees, having  
2106 been sworn, shall serve at the pleasure of the Commissioner of Public  
2107 Safety and, during such tenure, shall have all the powers conferred on  
2108 state policemen, [, sheriffs and their deputies.] They shall, in addition  
2109 to their duties concerning public assistance cases, be subject to the call  
2110 of the Commissioner of Public Safety for such emergency service as he  
2111 may prescribe.

2112 Sec. 77. Subsection (a) of section 29-35 of the general statutes, as

2113 amended by section 2 of public act 99-212, is repealed and the  
2114 following is substituted in lieu thereof:

2115 (a) No person shall carry any pistol or revolver upon one's person,  
2116 except when such person is within the dwelling house or place of  
2117 business of such person, without a permit to carry the same issued as  
2118 provided in section 29-28. The provisions of this subsection shall not  
2119 apply to the carrying of any pistol or revolver by any [sheriff,] parole  
2120 officer or peace officer of this state, or [sheriff,] parole officer or peace  
2121 officer of any other state while engaged in the pursuit of official duties,  
2122 or federal marshal or federal law enforcement agent, or to any member  
2123 of the armed forces of the United States, as defined by section 27-103,  
2124 or of this state, as defined by section 27-2, when on duty or going to or  
2125 from duty, or to any member of any military organization when on  
2126 parade or when going to or from any place of assembly, or to the  
2127 transportation of pistols or revolvers as merchandise, or to any person  
2128 transporting any pistol or revolver while contained in the package in  
2129 which it was originally wrapped at the time of sale and while  
2130 transporting the same from the place of sale to the purchaser's  
2131 residence or place of business, or to any person removing such  
2132 person's household goods or effects from one place to another, or to  
2133 any person while transporting any such pistol or revolver from such  
2134 person's place of residence or business to a place or individual where  
2135 or by whom such pistol or revolver is to be repaired or while returning  
2136 to such person's place of residence or business after the same has been  
2137 repaired, or to any person transporting a pistol or revolver in or  
2138 through the state for the purpose of taking part in competitions, taking  
2139 part in formal pistol or revolver training, repairing such pistol or  
2140 revolver or attending any meeting or exhibition of an organized  
2141 collectors' group if such person is a bona fide resident of the United  
2142 States and is permitted to possess and carry a pistol or revolver in the  
2143 state or subdivision of the United States in which such person resides,  
2144 or to any person transporting a pistol or revolver to and from a testing  
2145 range at the request of the issuing authority, or to any person  
2146 transporting an antique pistol or revolver, as defined in section 29-33.

2147 For the purposes of this subsection, "formal pistol or revolver training"  
2148 means pistol or revolver training at a locally approved or permitted  
2149 firing range or training facility, and "transporting a pistol or revolver"  
2150 means transporting a pistol or revolver that is unloaded and, if such  
2151 pistol or revolver is being transported in a motor vehicle, is not readily  
2152 accessible or directly accessible from the passenger compartment of the  
2153 vehicle or, if such pistol or revolver is being transported in a motor  
2154 vehicle that does not have a passenger compartment, is contained in a  
2155 locked container other than the glove compartment or console.  
2156 Nothing in this section shall be construed to prohibit the carrying of a  
2157 pistol or revolver during formal pistol or revolver training or repair.

2158 Sec. 78. Section 29-37a of the general statutes, as amended by section  
2159 16 of public act 99-212, is repealed and the following is substituted in  
2160 lieu thereof:

2161 (a) No person, firm or corporation may deliver, at retail, any  
2162 firearm, as defined in section 53a-3, other than a pistol or revolver, to  
2163 any person unless such person makes application on a form prescribed  
2164 and furnished by the Commissioner of Public Safety, which shall be  
2165 attached by the vendor to the federal sale or transfer document and  
2166 filed and retained by the vendor for at least twenty years or until such  
2167 vendor goes out of business. Such application shall be available for  
2168 inspection during normal business hours by law enforcement officials.  
2169 No sale or delivery of any firearm shall be made until the expiration of  
2170 two weeks from the date of the application, and until the person, firm  
2171 or corporation making such sale, delivery or transfer has insured that  
2172 such application has been completed properly and has obtained an  
2173 authorization number from the Commissioner of Public Safety for such  
2174 sale, delivery or transfer. The Department of Public Safety shall make  
2175 every effort, including performing the national instant criminal  
2176 background check, to determine if the applicant is eligible to receive  
2177 such firearm. If it is determined that the applicant is ineligible to  
2178 receive such firearm, the Commissioner of Public Safety shall  
2179 immediately notify the person, firm or corporation to whom such  
2180 application was made and no such firearm shall be sold or delivered to

2181 such applicant by such person, firm or corporation. When any firearm  
2182 is delivered in connection with the sale or purchase, such firearm shall  
2183 be enclosed in a package, the paper or wrapping of which shall be  
2184 securely fastened, and no such firearm when delivered on any sale or  
2185 purchase shall be loaded or contain any gunpowder or other explosive  
2186 or any bullet, ball or shell.

2187 (b) Upon the delivery of the firearm, the purchaser shall sign in  
2188 triplicate a receipt for such firearm which shall contain the name and  
2189 address of such purchaser, the date of sale, caliber, make, model and  
2190 manufacturer's number and a general description thereof. Not later  
2191 than twenty-four hours after such delivery, the vendor shall send by  
2192 first class mail or electronically transfer one receipt to the  
2193 Commissioner of Public Safety and one receipt to the chief of police or,  
2194 where there is no chief of police, the warden of the borough or the first  
2195 selectman, of the town in which the purchaser resides, and shall retain  
2196 one receipt, together with the original application, for at least five  
2197 years. The waiting period specified in subsection (a) of this section  
2198 during which delivery may not be made and the provisions of this  
2199 subsection shall not apply to any federal marshal, [sheriff,] parole  
2200 officer or peace officer, or to the delivery at retail of (1) any firearm to a  
2201 holder of a valid state permit to carry a pistol or revolver issued under  
2202 the provisions of section 29-28 or a valid eligibility certificate issued  
2203 under the provisions of section 29-36f, (2) any firearm to an active  
2204 member of the armed forces of the United States or of any reserve  
2205 component thereof, (3) any firearm to a holder of a valid hunting  
2206 license issued pursuant to chapter 490, or (4) antique firearms. For the  
2207 purposes of this section, "antique firearm" means any firearm which  
2208 was manufactured in or before 1898 and any replica of such firearm  
2209 provided such replica is not designed or redesigned for using rimfire  
2210 or conventional centerfire fixed ammunition except rimfire or  
2211 conventional centerfire fixed ammunition which is no longer  
2212 manufactured in the United States and not readily available in the  
2213 ordinary channel of commercial trade.

2214 Sec. 79. Section 30-45 of the general statutes is repealed and the

2215 following is substituted in lieu thereof:

2216 The Department of Consumer Protection shall refuse permits for the  
2217 sale of alcoholic liquor to the following persons: (1) Any [sheriff,  
2218 deputy sheriff] state marshal, judicial marshal, judge of any court,  
2219 prosecuting officer or member of any police force, (2) any first  
2220 selectman holding office and acting as a chief of police in the town  
2221 within which the permit premises are to be located, (3) a minor, and (4)  
2222 any constable who performs criminal law enforcement duties and is  
2223 considered a peace officer by town ordinance pursuant to the  
2224 provisions of subsection (a) of section 54-1f, any constable who is  
2225 certified under the provisions of sections 7-294a to 7-294e, inclusive,  
2226 who performs criminal law enforcement duties pursuant to the  
2227 provisions of subsection (c) of section 54-1f, or any special constable  
2228 appointed pursuant to section 7-92. This section shall not apply to out-  
2229 of-state shippers', boat and airline permits. As used in this section,  
2230 "minor" means a minor as defined in section 1-1d or as defined in  
2231 section 30-1, whichever age is older.

2232 Sec. 80. Section 30-106 of the general statutes is repealed and the  
2233 following is substituted in lieu thereof:

2234 Every officer who has a warrant for the arrest of any person charged  
2235 with keeping a house of ill-fame, or a house reputed to be a house of  
2236 ill-fame, or a house of assignation or a house where lewd, dissolute or  
2237 drunken persons resort, or where drinking, carousing, dancing and  
2238 fighting are permitted, to the disturbance of the neighbors, or with  
2239 violating any law against gaming in the house or rooms occupied by  
2240 him, or with resorting to any house for any of said purposes, and every  
2241 officer who has a warrant for the arrest of any person charged with  
2242 keeping open any room, place, enclosure, building or structure, of any  
2243 kind or description, in which it is reputed that alcoholic liquor is  
2244 exposed for sale contrary to law, or with selling alcoholic liquor, in any  
2245 place contrary to law, or for the seizure of alcoholic liquor, may, at any  
2246 time, for the purpose of gaining admission to such house, room, place,  
2247 enclosure, building or structure, or for the purpose of arresting any of

2248 the persons aforesaid, make violent entry into such house, room, place,  
2249 enclosure, building or structure, or any part thereof, after demanding  
2250 admittance and giving notice that he is an officer and has such  
2251 warrant, and may arrest any person so charged and take him before  
2252 the proper authority. The Department of Consumer Protection, its  
2253 agents [, the sheriff of the county, and any deputy sheriff by him  
2254 specially authorized] and any member of any organized police  
2255 department in any town, city or borough, and any state policeman,  
2256 may, at any time, enter upon the premises of any permittee to ascertain  
2257 the manner in which such person conducts his business and to  
2258 preserve order.

2259 Sec. 81. Subsection (a) of section 31-294d of the general statutes is  
2260 repealed and the following is substituted in lieu thereof:

2261 (a) The employer, as soon as he has knowledge of an injury, shall  
2262 provide a competent physician or surgeon to attend the injured  
2263 employee and, in addition, shall furnish any medical and surgical aid  
2264 or hospital and nursing service, including medical rehabilitation  
2265 services, as the physician or surgeon deems reasonable or necessary. If  
2266 the injured employee is a local or state police officer, [high sheriff, chief  
2267 deputy sheriff, deputy sheriff, special deputy sheriff] state marshal,  
2268 judicial marshal, correction officer, emergency medical technician,  
2269 paramedic, ambulance driver, fire fighter, or active member of a  
2270 volunteer fire company or fire department engaged in volunteer  
2271 duties, who has been exposed in the line of duty to blood or bodily  
2272 fluids which may carry blood-borne disease, the medical and surgical  
2273 aid or hospital and nursing service provided by his employer shall  
2274 include any relevant diagnostic and prophylactic procedure for and  
2275 treatment of any blood-borne disease.

2276 Sec. 82. Subsection (b) of section 36b-21 of the general statutes, as  
2277 amended by section 4 of public act 99-38, is repealed and the following  
2278 is substituted in lieu thereof:

2279 (b) The following transactions are exempted from sections 36b-16

2280 and 36b-22: (1) Any isolated nonissuer transaction, whether effected  
2281 through a broker-dealer or not; (2) any nonissuer transaction by a  
2282 registered agent of a registered broker-dealer in a security of a class  
2283 that has been outstanding in the hands of the public for at least ninety  
2284 days provided, at the time of the transaction: (A) The security is sold at  
2285 a price reasonably related to the current market price of the security;  
2286 (B) the security does not constitute the whole or part of an unsold  
2287 allotment to, or a subscription or participation by, the broker-dealer as  
2288 an underwriter of the security; (C) a nationally recognized securities  
2289 manual contains (i) a description of the business and operations of the  
2290 issuer; (ii) the names of the issuer's officers and directors or, in the case  
2291 of a non-United-States issuer, the corporate equivalents of such  
2292 persons in the issuer's country of domicile; (iii) an audited balance  
2293 sheet of the issuer as of a date within eighteen months, or in the case of  
2294 a reorganization or merger where the parties to the reorganization or  
2295 merger had such audited balance sheet, a pro forma balance sheet; and  
2296 (iv) an audited income statement for each of the issuer's immediately  
2297 preceding two fiscal years, or for the period of existence of the issuer, if  
2298 in existence for less than two years, or in the case of a reorganization or  
2299 merger where the parties to the reorganization or merger had such  
2300 audited income statement, a pro forma income statement; and (D) the  
2301 issuer of the security has a class of equity securities listed on a national  
2302 securities exchange registered under the Securities Exchange Act of  
2303 1934, or designated for trading on the National Association of  
2304 Securities Dealers Automated Quotation System, unless the issuer,  
2305 including any predecessors of the issuer (i) has been engaged in  
2306 continuous business for at least three years or (ii) has total assets of at  
2307 least two million dollars based on an audited balance sheet of the  
2308 issuer as of a date within eighteen months, or in the case of a  
2309 reorganization or merger where the parties to the reorganization or  
2310 merger had such audited balance sheet, a pro forma balance sheet.  
2311 The exemption in this subdivision shall not be available for any  
2312 distribution of securities issued by a blank check company, shell  
2313 company, dormant company or any issuer that has been merged or  
2314 consolidated with or has bought out a blank check company, shell

2315 company or dormant company unless the issuer or any predecessor  
2316 has continuously operated its business for at least the preceding five  
2317 years and has had gross operating revenue in each of the preceding  
2318 five years, including gross operating revenue of at least five hundred  
2319 thousand dollars per year in three of the preceding five years; (3) any  
2320 nonissuer distribution of an outstanding security if the security has a  
2321 fixed maturity or a fixed interest or dividend provision and there has  
2322 been no default during the current fiscal year or within the three  
2323 preceding fiscal years, or during the existence of the issuer and any  
2324 predecessors if less than three years, in the payment of principal,  
2325 interest or dividends on the security; (4) any nonissuer transaction  
2326 effected by or through a registered broker-dealer pursuant to an  
2327 unsolicited order or offer to buy; but the commissioner may by  
2328 regulation require that the customer acknowledge upon a specified  
2329 form that the sale was unsolicited, and that a signed copy of each such  
2330 form be preserved by the broker-dealer for a specified period or that  
2331 the confirmation delivered to the purchaser or a memorandum  
2332 delivered in connection therewith shall confirm that such purchase  
2333 was unsolicited by the broker-dealer or any agent of the broker-dealer;  
2334 (5) any transaction between the issuer or other person on whose behalf  
2335 the offering is made and an underwriter, or among underwriters; (6)  
2336 any transaction in a bond or other evidence of indebtedness secured by  
2337 a real or chattel mortgage or deed of trust or by an agreement for the  
2338 sale of real estate or chattels, if the entire mortgage, deed of trust or  
2339 agreement, together with all the bonds or other evidences of  
2340 indebtedness secured thereby, is offered and sold as a unit; (7) any  
2341 transaction by an executor, administrator, [sheriff] state marshal,  
2342 marshal, receiver, trustee in bankruptcy, creditors' committee in a  
2343 proceeding under the Bankruptcy Act, guardian or conservator; (8) any  
2344 transaction executed by a bona fide pledgee without any purpose of  
2345 evading sections 36b-2 to 36b-33, inclusive; (9) any offer or sale to a  
2346 bank and trust company, a national banking association, a savings  
2347 bank, a savings and loan association, a federal savings and loan  
2348 association, a credit union, a federal credit union, trust company,  
2349 insurance company, investment company as defined in the Investment



2350 Company Act of 1940, pension or profit-sharing trust, or other  
2351 financial institution or institutional buyer, or to a broker-dealer,  
2352 whether the purchaser is acting for itself or in some fiduciary capacity;  
2353 (10) (A) subject to the provisions of this subdivision, any transaction  
2354 not involving a public offering within the meaning of Section 4(2) of  
2355 the Securities Act of 1933, but not including any transaction specified  
2356 in the rules and regulations thereunder; (B) subject to the provisions of  
2357 this subdivision, any transaction made in accordance with the uniform  
2358 exemption from registration for small issuers authorized in Section  
2359 19(c)(3)(C) of the Securities Act of 1933. (C) The exemptions set forth in  
2360 subparagraphs (A) and (B) of this subdivision shall not be available for  
2361 transactions in securities issued by any blank check company, shell  
2362 company or dormant company. (D) The exemptions set forth in  
2363 subparagraphs (A) and (B) of this subdivision may, with respect to any  
2364 security or transaction or any type of security or transaction, be  
2365 modified, withdrawn, further conditioned or waived as to conditions,  
2366 in whole or in part, conditionally or unconditionally, by the  
2367 commissioner, acting by regulation, rule or order, on a finding that  
2368 such regulation, rule or order is necessary or appropriate in the public  
2369 interest or for the protection of investors. (E) A fee of one hundred fifty  
2370 dollars shall accompany any filing made with the commissioner  
2371 pursuant to this subdivision; (11) any offer or sale of a preorganization  
2372 certificate or subscription if (A) no commission or other remuneration  
2373 is paid or given directly or indirectly for soliciting any prospective  
2374 subscriber, (B) the number of subscribers does not exceed ten, and (C)  
2375 no payment is made by any subscriber; (12) any transaction pursuant  
2376 to an offer to existing security holders of the issuer, including persons  
2377 who at the time of the transaction are holders of convertible securities,  
2378 nontransferable warrants or transferable warrants exercisable within  
2379 not more than ninety days of their issuance, if (A) no commission or  
2380 other remuneration other than a standby commission is paid or given  
2381 directly or indirectly for soliciting any security holder in this state, or  
2382 (B) the issuer first files a notice, in such form and containing such  
2383 information as the commissioner may by regulation prescribe,  
2384 specifying the terms of the offer and the commissioner does not by

2385 order disallow the exemption within the next ten full business days;  
2386 (13) any offer, but not a sale, of a security for which registration  
2387 statements have been filed under both sections 36b-2 to 36b-33,  
2388 inclusive, and the Securities Act of 1933, if no stop order or refusal  
2389 order is in effect and no public proceeding or examination looking  
2390 toward such an order is pending under either said sections or the  
2391 Securities Act of 1933; (14) any transaction exempt under Section 4(6)  
2392 of the Securities Act of 1933, and the rules and regulations thereunder.  
2393 The issuer shall, prior to the first sale, file with the commissioner a  
2394 notice, in such form and containing such information as the  
2395 commissioner may by regulation, rule or order prescribe. A fee of one  
2396 hundred fifty dollars shall accompany any such filing made pursuant  
2397 to this subdivision; (15) any transaction if all the following conditions  
2398 are satisfied: (A) The offer and sale is effectuated by the issuer of the  
2399 security; (B) the total number of purchasers of all securities of the  
2400 issuer does not exceed ten. A subsequent sale of securities that (i) is  
2401 registered under sections 36b-2 to 36b-33, inclusive, (ii) is sold  
2402 pursuant to an exemption under said sections other than this  
2403 subdivision, or (iii) involves covered securities, shall not be integrated  
2404 with a sale pursuant to this exemption in computing the number of  
2405 purchasers hereunder. For the purpose of this subdivision, each of the  
2406 following is deemed to be a single purchaser of a security: A husband  
2407 and wife, a child and his parent or guardian when the parent or  
2408 guardian holds the security for the benefit of the child, a corporation, a  
2409 partnership, an association or other unincorporated entity, a joint stock  
2410 company or a trust, but only if the corporation, partnership,  
2411 association, unincorporated entity, joint stock company or trust was  
2412 not formed for the purpose of purchasing the security; (C) no  
2413 advertisement, article, notice or other communication published in any  
2414 newspaper, magazine or similar medium, or broadcast over television  
2415 or radio, or any other general solicitation is used in connection with  
2416 the sale; and (D) no commission, discount or other remuneration is  
2417 paid or given directly or indirectly in connection with the offer and  
2418 sale, and the total expenses, excluding legal and accounting fees, in  
2419 connection with the offer and sale do not exceed one per cent of the

2420 total sales price of the securities. For purposes of this subdivision, a  
2421 difference in the purchase price among the purchasers shall not, in and  
2422 of itself, be deemed to constitute indirect remuneration; (16) any  
2423 transaction exempt under Rule 701, 17 CFR Section 230.701  
2424 promulgated under Section 3(b) of the Securities Act of 1933; (17) any  
2425 other transaction that the commissioner may exempt, conditionally or  
2426 unconditionally, on a finding that registration is not necessary or  
2427 appropriate in the public interest or for the protection of investors.

2428 Sec. 83. Subsection (c) of section 38a-18 of the general statutes is  
2429 repealed and the following is substituted in lieu thereof:

2430 (c) Whenever the commissioner makes any seizure as provided in  
2431 subsection (b) of this section, [the sheriff of the county in which the  
2432 principal office of the company is located,] the chief of police for the  
2433 town or municipality in which the principal office of the company is  
2434 located, and the Commissioner of Public Safety, shall, on demand of  
2435 the commissioner, furnish him with such [deputies,] patrolmen,  
2436 troopers or officers as may be necessary in enforcing or effecting any  
2437 such seizure. Not more than fifteen days after making any seizure, the  
2438 commissioner shall institute a proceeding under subsection (a) of this  
2439 section, returnable not less than twelve or more than thirty days after  
2440 the service thereof.

2441 Sec. 84. Subsection (b) of section 42-133f of the general statutes is  
2442 repealed and the following is substituted in lieu thereof:

2443 (b) If the franchise which is the subject of a notice of termination,  
2444 cancellation or failure to renew provided for in subsection (a) of this  
2445 section is operated on premises leased by the franchisor to the  
2446 franchisee under a lease which terminates upon termination of the  
2447 franchise, and if the franchisor seeks to terminate the lease, the notice  
2448 shall be served upon the franchisee by a [sheriff] state marshal or  
2449 indifferent person and shall expressly state that said lease shall  
2450 terminate upon termination of the franchise, and shall further state  
2451 that the franchisee may have certain rights under sections 42-133f and

2452 42-133g, which sections shall be reproduced and attached to the notice.

2453 Sec. 85. Section 45a-316 of the general statutes is repealed and the  
2454 following is substituted in lieu thereof:

2455 Whenever, upon the application of a creditor or other person  
2456 interested in the estate of a deceased person, it is found by the court of  
2457 probate having jurisdiction of the estate that the granting of  
2458 administration on the estate or the probating of the will of the  
2459 deceased will be delayed, or that it is necessary for the protection of  
2460 the estate of the deceased, the court may, with or without notice,  
2461 appoint a temporary administrator to hold and preserve the estate  
2462 until the appointment of an administrator or the probating of the will.  
2463 The court shall require from such administrator a probate bond. If the  
2464 court deems it more expedient, it may order any [deputy sheriff] state  
2465 marshal or constable to take possession of the estate until the  
2466 appointment of an administrator or executor.

2467 Sec. 86. Subsection (a) of section 45a-649 of the general statutes is  
2468 repealed and the following is substituted in lieu thereof:

2469 (a) Upon an application for involuntary representation, the court  
2470 shall issue a citation to the following enumerated parties to appear  
2471 before it at a time and place named in the citation, which shall be  
2472 served on the parties at least seven days before the hearing date, which  
2473 date shall not be more than thirty days after the receipt of the  
2474 application by the Court of Probate unless continued for cause shown.  
2475 Notice of the hearing shall be sent within thirty days after receipt of  
2476 the application. (1) The court shall direct that personal service be  
2477 made, by a [sheriff or his deputy] state marshal, constable or an  
2478 indifferent person, upon the following: (A) The respondent, except that  
2479 if the court finds personal service on the respondent would be  
2480 detrimental to the health or welfare of the respondent, the court may  
2481 order that such service be made upon counsel for the respondent, if  
2482 any, and if none, upon the attorney appointed under subsection (b) of  
2483 this section; (B) the respondent's spouse, if any, if the spouse is not the

2484 applicant, except that in cases where the application is for involuntary  
2485 representation pursuant to section 17b-456, and there is no spouse, the  
2486 court shall order notice by certified mail to the children of the  
2487 respondent and if none, the parents of the respondent and if none, the  
2488 brothers and sisters of the respondent or their representatives, and if  
2489 none, the next of kin of such respondent. (2) The court shall order such  
2490 notice as it directs to the following: (A) The applicant; (B) the person in  
2491 charge of welfare in the town where the respondent is domiciled or  
2492 resident and if there is no such person, the first selectman or chief  
2493 executive officer of the town if the respondent is receiving assistance  
2494 from the town; (C) the Commissioner of Social Services, if the  
2495 respondent is in a state-operated institution or receiving aid, care or  
2496 assistance from the state; (D) by registered or certified mail, to the  
2497 Administrator of Veterans Affairs if the respondent is receiving  
2498 veterans' benefits or the Veterans Home and Hospital, or both, if the  
2499 respondent is receiving aid or care from such hospital, or both; (E) the  
2500 Commissioner of Administrative Services, if the respondent is  
2501 receiving aid or care from the state; (F) the children of the respondent  
2502 and if none, the parents of the respondent and if none, the brothers  
2503 and sisters of the respondent or their representatives; (G) the person in  
2504 charge of the hospital, nursing home or some other institution, if the  
2505 respondent is in a hospital, nursing home or some other institution. (3)  
2506 The court, in its discretion, may order such notice as it directs to other  
2507 persons having an interest in the respondent and to such persons the  
2508 respondent requests be notified.

2509 Sec. 87. Subsection (a) of section 45a-671 of the general statutes is  
2510 repealed and the following is substituted in lieu thereof:

2511 (a) Within forty-five days of filing such application in the Court of  
2512 Probate, such court shall assign a time and place for hearing such  
2513 application. Notwithstanding the provisions of section 45a-7, the court  
2514 may hold the hearing on said application at a place within the state  
2515 other than its usual courtroom if it would facilitate the presence of the  
2516 respondent. Such court shall cause a citation and notice to be served  
2517 upon the respondent by personal service made by a [sheriff or his

2518 deputy] state marshal, constable or an indifferent person not less than  
2519 seven days prior to such hearing date.

2520 Sec. 88. Section 45a-693 of the general statutes is repealed and the  
2521 following is substituted in lieu thereof:

2522 Upon such application for a determination of ability to give  
2523 informed consent, such court shall assign a time, not later than thirty  
2524 days thereafter, and a place for hearing such application. Any hearing  
2525 held under this section shall be pursuant to sections 51-72 and 51-73.  
2526 Notwithstanding the provisions of section 45a-7, the court may hold  
2527 the hearing on said application at a place within the state other than  
2528 the usual courtroom if it would facilitate the presence of the  
2529 respondent. Such court shall cause a citation and notice to be served on  
2530 the following parties at least seven days prior to such hearing date. (1)  
2531 The court shall direct personal service be made by a [sheriff or his  
2532 deputy] state marshal, constable or indifferent person upon the  
2533 respondent and if the respondent is in the hospital, nursing home,  
2534 state school or some other institution, in addition to the respondent,  
2535 upon the chief executive, officer or administrator in such hospital,  
2536 nursing home, state school or other institution. (2) The court shall  
2537 order such notice as it directs to the following: (A) The parents of the  
2538 respondent, if any, (B) the spouse of the respondent, if any, (C) the  
2539 siblings of such applicant, if any, if the respondent has no living  
2540 parents, (D) the office of protection and advocacy, and (E) such other  
2541 persons as the court may determine have interest in the respondent.

2542 Sec. 89. Subsection (d) of section 46a-82e of the general statutes is  
2543 repealed and the following is substituted in lieu thereof:

2544 (d) (1) If a complaint has been pending for more than two years after  
2545 the date of filing pursuant to section 46a-82, and if the investigator fails  
2546 to issue a finding of reasonable cause or no reasonable cause by the  
2547 date ordered by the executive director of the commission pursuant to  
2548 subsection (c) of this section, the complainant or respondent may  
2549 petition the superior court for the judicial district of Hartford for an

2550 order requiring the commission to issue a finding of reasonable cause  
2551 or no reasonable cause by a date certain. The petitioner shall submit  
2552 the petition on forms prescribed by the Office of the Chief Court  
2553 Administrator.

2554 (2) The clerk, upon receipt of the petition and if the clerk finds it to  
2555 be in the proper form, shall fix a date for the hearing and sign the  
2556 notice of hearing. The hearing date shall be no more than thirty days  
2557 after the clerk signs the notice. Service shall be made on the  
2558 commission and all persons named in the discriminatory practice  
2559 complaint at least twenty days prior to the date of hearing by United  
2560 States mail, certified or registered, postage prepaid, return receipt  
2561 requested, without the use of a [sheriff] state marshal or other officer.  
2562 Service on the commission shall be made on the executive director of  
2563 the commission or the commission counsel. Within five days of service,  
2564 the petitioner shall file with the court an affidavit stating the date and  
2565 manner in which a copy of the petition was served and attach to the  
2566 affidavit the return receipts indicating delivery of the petition.

2567 (3) Within ten days after receipt of the petition, any party, including  
2568 the commission, may file an answer. The commission and all persons  
2569 named in the discriminatory practice complaint shall have the right to  
2570 appear and be heard at the hearing.

2571 (4) If the commission and parties agree on a date certain, the court  
2572 shall order the commission to issue a finding by said date. If the  
2573 allegations of the petition are contested, the court shall hold a hearing  
2574 on the petition and issue an appropriate order. Hearing of oral  
2575 argument on the petition shall take precedence over other matters in  
2576 the court, as provided in section 46a-96. The court shall award court  
2577 costs and attorney's fees to the petitioner, provided such party is a  
2578 "person", as defined in subsection (l) of section 4-184a, unless the  
2579 commission shows good cause for not issuing the finding of reasonable  
2580 cause or no reasonable cause within two years of the date of filing or  
2581 the date ordered by the executive director for the investigator to issue  
2582 such finding, whichever is later. An award of court costs and attorney's

2583 fees shall be subject to the court's discretion, but shall not exceed a  
2584 total of five hundred dollars.

2585 (5) This subsection shall not apply to complaints initiated by the  
2586 commission or to pattern or practice or systemic cases.

2587 Sec. 90. Subsection (b) of section 46b-125 of the general statutes is  
2588 repealed and the following is substituted in lieu thereof:

2589 (b) Probation officers shall make such investigations and reports as  
2590 the court directs or the law requires. They shall execute the orders of  
2591 the court; and, for that purpose, such probation officers, and any other  
2592 employees specifically designated by the court to assist the probation  
2593 officers in the enforcement of such orders, shall have the authority of a  
2594 [deputy sheriff in each county of the state] state marshal. They shall  
2595 preserve a record of all cases investigated or coming under their care,  
2596 and shall keep informed concerning the conduct and condition of each  
2597 person under supervision and report thereon to the court as it may  
2598 direct. Any juvenile probation officer or juvenile matters investigator,  
2599 authorized by the Office of the Chief Court Administrator, may arrest  
2600 any juvenile on probation without a warrant or may deputize any  
2601 other officer with power to arrest to do so by giving him a written  
2602 statement setting forth that the juvenile has, in the judgment of the  
2603 juvenile probation officer or juvenile matters investigator, violated the  
2604 conditions of his probation. When executing such orders of the court,  
2605 except when using deadly physical force, juvenile probation officers  
2606 and juvenile matters investigators shall be deemed to be acting in the  
2607 capacity of a peace officer, as defined in subdivision (9) of section 53a-  
2608 3.

2609 Sec. 91. Section 46b-144 of the general statutes is repealed and the  
2610 following is substituted in lieu thereof:

2611 In committing a child or youth to a custodial agency, other than its  
2612 natural guardians, the court shall, as far as practicable, select as such  
2613 agency some person of like faith to that of the parent or parents of the  
2614 child or youth or some agency or institution governed by persons of



2615 such faith, unless such agency or institution is a state or municipal  
2616 agency or institution. In the order of committal, the court shall  
2617 designate some indifferent person to serve the commitment process,  
2618 and such indifferent person may be accompanied by any suitable  
2619 relative or friend of such child or youth. If the person designated to  
2620 serve such commitment process is an officer, such officer shall not  
2621 serve such commitment process while dressed in the uniform of any  
2622 police officer, [or sheriff,] and no such officer shall, while serving any  
2623 such commitment process, wear plainly displayed any police officer's  
2624 [or sheriff's] badge.

2625 Sec. 92. Section 46b-150 of the general statutes is repealed and the  
2626 following is substituted in lieu thereof:

2627 Any minor who has reached his sixteenth birthday and is residing  
2628 in this state, or any parent or guardian of such minor, may petition the  
2629 superior court for juvenile matters or the probate court for the district  
2630 in which either the minor or his parents or guardian resides for a  
2631 determination that the minor named in the petition be emancipated.  
2632 The petition shall be verified and shall state plainly: (1) The facts which  
2633 bring the minor within the jurisdiction of the court, (2) the name, date  
2634 of birth, sex and residence of the minor, (3) the name and residence of  
2635 his parent, parents or guardian, and (4) the name of the petitioner and  
2636 his relationship to the minor. Upon the filing of the petition in the  
2637 Superior Court, the court shall cause a summons to be issued to the  
2638 minor and his parent, parents or guardian, in the manner provided in  
2639 section 46b-128. Upon the filing of the petition in the Probate Court,  
2640 the court shall assign a time, not later than thirty days thereafter, and a  
2641 place for hearing such petition. The court shall cause a citation and  
2642 notice to be served on the minor and his parent, if the parent is not the  
2643 petitioner, at least seven days prior to the hearing date, by a [sheriff,  
2644 his deputy] state marshal, constable or indifferent person. The court  
2645 shall direct notice by certified mail to the parent, if the parent is the  
2646 petitioner. The court shall order such notice as it directs to the  
2647 Commissioner of Children and Families, and other persons having an  
2648 interest in the minor.

2649       Sec. 93. Subsection (a) of section 46b-160 of the general statutes is  
2650       repealed and the following is substituted in lieu thereof:

2651       (a) Proceedings to establish paternity of a child born or conceived  
2652       out of lawful wedlock, including one born to, or conceived by, a  
2653       married woman but begotten by a man other than her husband, shall  
2654       be commenced by the service on the putative father of a verified  
2655       petition of the mother or expectant mother. The verified petition,  
2656       summons and order shall be filed in the superior court for the judicial  
2657       district in which either she or the putative father resides, except that in  
2658       IV-D support cases, as defined in subdivision (13) of subsection (b) of  
2659       section 46b-231 and in petitions brought under sections 46b-212 to 46b-  
2660       213v, inclusive, such petition shall be filed with the clerk for the Family  
2661       Support Magistrate Division serving the judicial district where either  
2662       she or the putative father resides. In cases involving public assistance  
2663       recipients the petition shall also be served upon the Attorney General  
2664       who shall be and remain a party to any paternity proceeding and to  
2665       any proceedings after judgment in such action. The court or any judge,  
2666       or family support magistrate, assigned to said court shall cause a  
2667       summons, signed by him, by the clerk of said court, or by a  
2668       commissioner of the Superior Court to be issued, requiring the  
2669       putative father to appear in court at a time and place as determined by  
2670       the clerk but not more than ninety days after the issuance of the  
2671       summons to show cause, if any he has, why the request for relief in  
2672       such petition should not be granted. A [~~sheriff~~] state marshal, proper  
2673       officer or investigator shall make due returns of process to the court  
2674       not less than twenty-one days before the date assigned for hearing.  
2675       Such petition, summons and order shall be on forms prescribed by the  
2676       Office of the Chief Court Administrator. In the case of a child or  
2677       expectant mother being supported wholly or in part by the state,  
2678       service of such petition may be made by any investigator employed by  
2679       the Department of Social Services and any proper officer authorized by  
2680       law. Such petition may be brought at any time prior to the child's  
2681       eighteenth birthday, provided liability for past support shall be limited  
2682       to the three years next preceding the date of the filing of any such

2683 petition. If the putative father fails to appear in court at such time and  
2684 place, the court or family support magistrate shall hear the petitioner  
2685 and, upon a finding that process was served on the putative father,  
2686 shall enter a default judgment of paternity against such father and  
2687 such other orders as the facts may warrant. Such court or family  
2688 support magistrate may order continuance of such hearing; and if such  
2689 mother or expectant mother continues constant in her accusation, it  
2690 shall be evidence that the respondent is the father of such child. The  
2691 court or family support magistrate shall, upon motion by a party, issue  
2692 an order for temporary support of the child by the respondent pending  
2693 a final judgment of the issue of paternity if such court or magistrate  
2694 finds that there is clear and convincing evidence of paternity which  
2695 evidence shall include, but not be limited to, genetic test results  
2696 indicating a ninety-nine per cent or greater probability that such  
2697 respondent is the father of the child.

2698 Sec. 94. Subsection (c) of section 46b-172 of the general statutes is  
2699 repealed and the following is substituted in lieu thereof:

2700 (c) At any time after the signing of any acknowledgment of  
2701 paternity, upon the application of any interested party, the court or  
2702 any judge thereof or any family support magistrate in IV-D support  
2703 cases and in matters brought under sections 46b-212 to 46b-213v,  
2704 inclusive, shall cause a summons, signed by him, by the clerk of said  
2705 court or by a commissioner of the Superior Court, to be issued,  
2706 requiring the acknowledged father to appear in court at a time and  
2707 place as determined by the clerk but not more than ninety days after  
2708 the issuance of the summons, to show cause, if any he has, why the  
2709 court or the family support magistrate assigned to the judicial district  
2710 in IV-D support cases should not enter judgment for support of the  
2711 child by payment of a periodic sum until the child attains the age of  
2712 eighteen years, together with provision for reimbursement for past due  
2713 support based upon ability to pay in accordance with the provisions of  
2714 section 17b-81, 17b-223, subsection (b) of section 17b-179, section 17a-  
2715 90, 46b-129 or 46b-130, a provision for health coverage of the child as  
2716 required by section 46b-215, and reasonable expense of the action

2717 under this subsection. Such court or family support magistrate, in IV-D  
2718 cases, shall also have the authority to order the acknowledged father  
2719 who is subject to a plan for reimbursement of past-due support and is  
2720 not incapacitated, to participate in work activities which may include,  
2721 but shall not be limited to, job search, training, work experience and  
2722 participation in the job training and retraining program established by  
2723 the Labor Commissioner pursuant to section 31-3t. The application,  
2724 summons and order shall be on forms prescribed by the Office of the  
2725 Chief Court Administrator. Proceedings to obtain such orders of  
2726 support shall be commenced by the service of such summons on the  
2727 acknowledged father. A [sheriff] state marshal or proper officer shall  
2728 make due return of process to the court not less than twenty-one days  
2729 before the date assigned for hearing. The prior judgment as to  
2730 paternity shall be res judicata as to that issue for all paternity  
2731 acknowledgments filed with the court on or after March 1, 1981, but  
2732 before July 1, 1997, and shall not be reconsidered by the court unless  
2733 the person seeking review of the acknowledgment petitions the  
2734 superior court for the judicial district having venue for a hearing on  
2735 the issue of paternity within three years of such judgment. In addition  
2736 to such review, if the acknowledgment of paternity was filed prior to  
2737 March 1, 1981, the acknowledgment of paternity may be reviewed by  
2738 denying the allegation of paternity in response to the initial petition for  
2739 support, whenever it is filed. All such payments shall be made to the  
2740 petitioner, except that in IV-D support cases, as defined in subsection  
2741 (b) of section 46b-231, payments shall be made to the state, acting by  
2742 and through the IV-D agency.

2743 Sec. 95. Subsection (a) of section 46b-215 of the general statutes, as  
2744 amended by section 31 of public act 99-279, is repealed and the  
2745 following is substituted in lieu thereof:

2746 (a) (1) The Superior Court or a family support magistrate shall have  
2747 authority to make and enforce orders for payment of support against  
2748 any person who neglects or refuses to furnish necessary support to  
2749 such person's spouse or a child under the age of eighteen, according to  
2750 such person's ability to furnish such support, notwithstanding the

2751 provisions of section 46b-37.

2752 (2) Any such support order in a IV-D support case shall include a  
2753 provision for the health care coverage of the child which provision  
2754 may include an order for either parent to name any child under  
2755 eighteen as a beneficiary of any medical or dental insurance or benefit  
2756 plan carried by such parent or available to such parent on a group  
2757 basis through an employer or a union. If such insurance coverage is  
2758 unavailable at reasonable cost, the provision for health care coverage  
2759 may include an order for either parent to apply for and maintain  
2760 coverage on behalf of the child under the HUSKY Plan, Part B. The  
2761 noncustodial parent shall be ordered to apply for the HUSKY Plan,  
2762 Part B only if such parent is found to have sufficient ability to pay the  
2763 appropriate premium. In any IV-D support case in which the  
2764 noncustodial parent is found to have insufficient ability to provide  
2765 medical insurance coverage and the custodial party is the HUSKY  
2766 Plan, Part A or Part B applicant, the provision for health care coverage  
2767 may include an order for the noncustodial parent to pay such amount  
2768 as is specified by the court or family support magistrate to the state or  
2769 the custodial party, as their interests may appear, to offset the cost of  
2770 any insurance payable under the HUSKY Plan, Part A or Part B. In no  
2771 event may such order include payment to offset the cost of any such  
2772 premium if such payment would reduce the amount of current  
2773 support required under the child support guidelines.

2774 (3) Proceedings to obtain orders of support under this section shall  
2775 be commenced by the service on the liable person or persons of a  
2776 verified petition with summons and order, in a form prescribed by the  
2777 Office of the Chief Court Administrator, of the husband or wife, child  
2778 or any relative or the conservator, guardian or support enforcement  
2779 officer, town or state, or any selectmen or the public official charged  
2780 with the administration of public assistance of the town, or in TANF  
2781 support cases, as defined in subdivision (14) of subsection (b) of  
2782 section 46b-231, the Commissioner of Social Services. The verified  
2783 petition, summons and order shall be filed in the judicial district in  
2784 which the petitioner or respondent resides or does business, or if filed

2785 in the Family Support Magistrate Division, in the judicial district in  
2786 which the petitioner or respondent resides or does business.

2787 (4) For purposes of this section, the term "child" shall include one  
2788 born out of wedlock whose father has acknowledged in writing  
2789 paternity of such child or has been adjudged the father by a court of  
2790 competent jurisdiction, or a child who was born before marriage  
2791 whose parents afterwards intermarry.

2792 (5) Said court or family support magistrate shall also have authority  
2793 to make and enforce orders directed to the conservator or guardian of  
2794 any person, or payee of Social Security or other benefits to which such  
2795 person is entitled, to the extent of the income or estate held by such  
2796 fiduciary or payee in any such capacity.

2797 (6) Said court or family support magistrate shall also have authority  
2798 to determine, order and enforce payment of any sums due under a  
2799 written agreement to support against the person liable for such  
2800 support under such agreement.

2801 (7) (A) Said court or family support magistrate shall also have  
2802 authority to determine, order and enforce payment of any support due  
2803 because of neglect or refusal to furnish support prior to the action.

2804 (B) In the determination of support due based on neglect or refusal  
2805 to furnish support prior to the action, the support due for periods of  
2806 time prior to the action shall be based upon the obligor's ability to pay  
2807 during such prior periods. The state shall disclose to the court any  
2808 information in its possession concerning current and past ability to  
2809 pay. With respect to such orders entered into on or after October 1,  
2810 1991, if no information is available to the court concerning past ability  
2811 to pay, the court may determine the support due for periods of time  
2812 prior to the action as if past ability to pay is equal to current ability to  
2813 pay if known or, if not known, based upon assistance rendered to the  
2814 child.

2815 (C) Any finding as to support due for periods of time prior to the

2816 action which is made without information concerning past ability to  
2817 pay shall be entered subject to adjustment when such information  
2818 becomes available to the court. Such adjustment may be made upon  
2819 motion of any party within four months from the date upon which the  
2820 obligor receives notification of (i) the amount of such finding of  
2821 support due for periods of time prior to the action, and (ii) the right  
2822 within four months of receipt of such notification to present evidence  
2823 as to past ability to pay support for such periods of time prior to the  
2824 action.

2825 (8) (A) The judge or family support magistrate shall cause a  
2826 summons, signed by such judge or magistrate, by the clerk of said  
2827 court or Family Support Magistrate Division, or by a commissioner of  
2828 the Superior Court to be issued requiring such liable person or persons  
2829 to appear in court or before a family support magistrate, at a time and  
2830 place as determined by the clerk but not more than ninety days after  
2831 the issuance of the summons. Service may be made by a [sheriff] state  
2832 marshal, any proper officer or any investigator employed by the  
2833 Department of Social Services or by the Commissioner of  
2834 Administrative Services. The [sheriff] state marshal, proper officer or  
2835 investigator shall make due return of process to the court not less than  
2836 twenty-one days before the date assigned for hearing. Upon proof of  
2837 the service of the summons to appear in court or before a family  
2838 support magistrate at the time and place named for hearing upon such  
2839 petition, the failure of the defendant or defendants to appear shall not  
2840 prohibit the court or family support magistrate from going forward  
2841 with the hearing. If the summons and order is signed by a  
2842 commissioner of the Superior Court, upon proof of service of the  
2843 summons to appear in court or before a family support magistrate and  
2844 upon the failure of the defendant to appear at the time and place  
2845 named for hearing upon the petition, request may be made by the  
2846 petitioner to the court or family support magistrate for an order that a  
2847 *capias mittimus* be issued.

2848 (B) In the case of a person supported wholly or in part by a town,  
2849 the welfare authority of the town shall notify the responsible relatives

2850 of such person of the amount of assistance given, the beginning date  
2851 thereof and the amount of support expected from each of them, if any,  
2852 and if any such relative does not contribute in such expected amount,  
2853 the superior court for the judicial district in which such town is located  
2854 or a family support magistrate sitting in the judicial district in which  
2855 such town is located may order such relative or relatives to contribute  
2856 to such support, from the time of the beginning date of expense shown  
2857 on the notice, such sum as said court or family support magistrate  
2858 deems reasonably within each such relative's ability to support such  
2859 person.

2860 (C) The court, or any judge thereof, or family support magistrate  
2861 when said court or family support magistrate is not sitting, may  
2862 require the defendant or defendants to become bound, with sufficient  
2863 surety, to the state, town or person bringing the complaint, to abide  
2864 such judgment as may be rendered on such complaint. Failure of the  
2865 defendant or defendants to obey any order made under this section,  
2866 may be punished as contempt of court and the costs of commitment of  
2867 any person imprisoned therefor shall be paid by the state as in criminal  
2868 cases. Except as otherwise provided, upon proof of the service of the  
2869 summons to appear in court or before a family support magistrate at  
2870 the time and place named for a hearing upon the failure of the  
2871 defendant or defendants to obey such court order or order of the  
2872 family support magistrate, the court or family support magistrate may  
2873 order a *capias mittimus* be issued, and directed to some proper officer  
2874 to arrest such defendant or defendants and bring such defendant or  
2875 defendants before the Superior Court for the contempt hearing. When  
2876 any person is found in contempt under this section, the court or family  
2877 support magistrate may award to the petitioner a reasonable attorney's  
2878 fee and the fees of the officer serving the contempt citation, such sums  
2879 to be paid by the person found in contempt.

2880 (9) In addition to or in lieu of such contempt proceedings, the court  
2881 or family support magistrate, upon a finding that any person has failed  
2882 to obey any order made under this section, may: (A) Order a plan for  
2883 payment of any past-due support owing under such order, or, in IV-D



2884 cases, if such obligor is not incapacitated, order such obligor to  
2885 participate in work activities which may include, but shall not be  
2886 limited to, job search, training, work experience and participation in  
2887 the job training and retraining program established by the Labor  
2888 Commissioner pursuant to section 31-3t; (B) suspend any professional,  
2889 occupational, recreational, commercial driver's or motor vehicle  
2890 operator's license as provided in subsections (b) to (e), inclusive, of  
2891 section 46b-220, provided such failure was without good cause; (C)  
2892 issue an income withholding order against such amount of any debt  
2893 accruing by reason of personal services as provided by sections 52-362,  
2894 52-362b and 52-362c; and (D) order executions against any real,  
2895 personal, or other property of such person which cannot be  
2896 categorized solely as either, for payment of accrued and unpaid  
2897 amounts due under such order.

2898 (10) No entry fee, judgment fee or any other court fee shall be  
2899 charged by the court or the family support magistrate to either party in  
2900 proceedings under this section.

2901 (11) Any written agreement to support which is filed with the court  
2902 or the Family Support Magistrate Division shall have the effect of an  
2903 order of the court or a family support magistrate.

2904 Sec. 96. Subsections (a) and (b) of section 47a-42 of the general  
2905 statutes are repealed and the following is substituted in lieu thereof:

2906 (a) Whenever a judgment is entered against a defendant pursuant to  
2907 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of  
2908 possession or occupancy of residential property, such defendant and  
2909 any other occupant bound by the judgment by subsection (a) of section  
2910 47a-26h shall forthwith remove himself, his possessions and all  
2911 personal effects unless execution has been stayed pursuant to sections  
2912 47a-35 to 47a-41, inclusive. If execution has been stayed, such  
2913 defendant or occupant shall forthwith remove himself, his possessions  
2914 and all personal effects upon the expiration of any stay of execution. If  
2915 the defendant or occupant has not so removed himself upon entry of a

2916 judgment pursuant to section 47a-26, 47a-26a, 47a-26b or 47a-26d, and  
2917 upon expiration of any stay of execution, the plaintiff may obtain an  
2918 execution upon such summary process judgment, and the defendant  
2919 or other occupant bound by the judgment by subsection (a) of section  
2920 47a-26h and the possessions and personal effects of such defendant or  
2921 other occupant may be removed by a [sheriff or his deputy] state  
2922 marshal, pursuant to such execution, and such possessions and  
2923 personal effects may be set out on the adjacent sidewalk, street or  
2924 highway.

2925 (b) Before any such removal, the [sheriff or deputy] state marshal  
2926 charged with executing upon any such judgment of eviction shall give  
2927 the chief executive officer of the town twenty-four hours notice of the  
2928 eviction, stating the date, time and location of such eviction as well as a  
2929 general description, if known, of the types and amount of property to  
2930 be removed from the premises. Before giving such notice to the chief  
2931 executive officer of the town, the [sheriff or deputy] state marshal shall  
2932 use reasonable efforts to locate and notify the defendant of the date  
2933 and time such eviction is to take place and of the possibility of a sale  
2934 pursuant to subsection (c) of this section. Such notice shall include  
2935 service upon each defendant and upon any other person in occupancy,  
2936 either personally or at the premises, of a true copy of the summary  
2937 process execution. Such execution shall be on a form prescribed by the  
2938 Judicial Department, shall be in clear and simple language and in  
2939 readable format, and shall contain, in addition to other notices given to  
2940 the defendant in the execution, a conspicuous notice, in large boldface  
2941 type, that a person who claims to have a right to continue to occupy  
2942 the premises should immediately contact an attorney.

2943 Sec. 97. Subsections (b) and (c) of section 47a-42a of the general  
2944 statutes are repealed and the following is substituted in lieu thereof:

2945 (b) The [sheriff or deputy] state marshal charged with executing  
2946 upon any such summary process judgment shall, at least twenty-four  
2947 hours prior to the date and time of the eviction, use reasonable efforts  
2948 to locate and notify the defendant or occupant of the date and time

2949 such eviction is to take place. Such notice shall include service upon  
2950 each defendant and upon any other person in occupancy, either  
2951 personally or at the premises, of a true copy of the summary process  
2952 execution. Such execution shall be on a form prescribed by the Judicial  
2953 Department, shall be in clear and simple language and in readable  
2954 format, and shall contain, in addition to other notices given to the  
2955 defendant or occupant in the execution, a conspicuous notice, in large  
2956 boldface type, that a person who claims to have a right to continue to  
2957 occupy the premises should immediately contact an attorney. Such  
2958 execution shall contain a notice advising the defendant or occupant  
2959 that if he does not remove his possessions and personal effects from  
2960 the premises by the date and time set for the eviction and thereafter  
2961 fails to claim such possessions and personal effects from the landlord  
2962 and pay any removal and storage costs within fifteen days after the  
2963 date of such eviction, such possessions and personal effects will be  
2964 forfeited to the landlord.

2965 (c) The [sheriff or deputy] state marshal who served the execution  
2966 upon the defendant or occupant as provided in subsection (b) of this  
2967 section shall return to the premises at the date and time such eviction  
2968 is to take place. If the defendant or occupant has not removed himself  
2969 from the premises, the [sheriff or deputy] state marshal shall remove  
2970 such defendant or occupant. If the defendant or occupant has not  
2971 removed his possessions and personal effects from the premises, the  
2972 plaintiff, in the presence of the [sheriff or deputy] state marshal, shall  
2973 prepare an inventory of such possessions and personal effects and  
2974 provide a copy of such inventory to the [sheriff or deputy] state  
2975 marshal. The plaintiff shall remove and store such possessions or  
2976 personal effects or shall store the same in the premises. Such removal  
2977 and storage or storage in the premises shall be at the expense of the  
2978 defendant. If such possessions and effects are not called for by the  
2979 defendant or occupant and the expense of such removal and storage or  
2980 storage in the premises is not paid to the plaintiff within fifteen days  
2981 after such eviction, the defendant or occupant shall forfeit such  
2982 possessions and personal effects to the plaintiff and the plaintiff may

2983 dispose of them as he deems appropriate.

2984 Sec. 98. Section 48-23 of the general statutes is repealed and the  
2985 following is substituted in lieu thereof:

2986 When, under the provisions of any statute authorizing the  
2987 condemnation of land in the exercise of the right of eminent domain,  
2988 an appraisal of damages has been returned to the clerk of the Superior  
2989 Court, as provided by law, and when the amount of appraisal has been  
2990 paid or secured to be paid or deposited with the State Treasurer, as  
2991 provided by law, any judge of the Superior Court may, upon  
2992 application and proof of such payment or deposit, order such clerk to  
2993 issue an execution commanding [the sheriff of the county] a state  
2994 marshal to put the parties entitled thereto into peaceable possession of  
2995 the land so condemned.

2996 Sec. 99. Subsection (b) of section 49-22 of the general statutes is  
2997 repealed and the following is substituted in lieu thereof:

2998 (b) Before any such removal, the [sheriff or deputy] state marshal  
2999 charged with executing upon the ejectment shall give the chief  
3000 executive officer of the town twenty-four hours notice of the ejectment,  
3001 stating the date, time and location of such ejectment as well as a  
3002 general description, if known, of the types and amount of property to  
3003 be removed from the land. Before giving such notice to the chief  
3004 executive officer of the town, the sheriff or deputy shall use reasonable  
3005 efforts to locate and notify the person or persons in possession of the  
3006 date and time such ejectment is to take place and of the possibility of a  
3007 sale pursuant to subsection (c) of this section.

3008 Sec. 100. Subsection (a) of section 49-35 of the general statutes is  
3009 repealed and the following is substituted in lieu thereof:

3010 (a) No person other than the original contractor for the construction,  
3011 raising, removal or repairing of the building, or the development of  
3012 any lot, or the site development or subdivision of any plot of land or a  
3013 subcontractor whose contract with the original contractor is in writing

3014 and has been assented to in writing by the other party to the original  
3015 contract, is entitled to claim any such mechanic's lien, unless, after  
3016 commencing, and not later than ninety days after ceasing, to furnish  
3017 materials or render services for such construction, raising, removal or  
3018 repairing, he gives written notice to the owner of the building, lot or  
3019 plot of land and to the original contractor that he has furnished or  
3020 commenced to furnish materials, or rendered or commenced to render  
3021 services, and intends to claim a lien therefor on the building, lot or plot  
3022 of land; provided an original contractor shall not be entitled to such  
3023 notice, unless, not later than fifteen days after commencing the  
3024 construction, raising, removal or repairing of the building, or the  
3025 development of any lot, or the site development or subdivision of any  
3026 plot of land, such original contractor lodges with the town clerk of the  
3027 town in which the building, lot or plot of land is situated an affidavit  
3028 in writing, which shall be recorded by the town clerk with deeds of  
3029 land, (1) stating the name under which such original contractor  
3030 conducts business, (2) stating his business address and (3) describing  
3031 the building, lot or plot of land. The right of any person to claim a lien  
3032 under this section shall not be affected by the failure of such affidavit  
3033 to conform to the requirements of this section. The notice shall be  
3034 served upon the owner or original contractor, if such owner or original  
3035 contractor resides in the same town in which the building is being  
3036 erected, raised, removed or repaired or the lot is being improved, or  
3037 the plot of land is being improved or subdivided, by any indifferent  
3038 person, [sheriff] state marshal or other proper officer, by leaving with  
3039 such owner or original contractor or at his usual place of abode a true  
3040 and attested copy thereof. If the owner or original contractor does not  
3041 reside in such town, but has a known agent therein, the notice may be  
3042 so served upon the agent, otherwise it may be served by any  
3043 indifferent person, [sheriff] state marshal or other proper officer, by  
3044 mailing a true and attested copy of the notice by registered or certified  
3045 mail to the owner or original contractor at the place where he resides.  
3046 If such copy is returned unclaimed, notice to such owner or original  
3047 contractor shall be given by publication in accordance with the  
3048 provisions of section 1-2. When there are two or more owners, or two

3049 or more original contractors, the notice shall be so served on each  
3050 owner and on each original contractor. The notice, with the return of  
3051 the person who served it endorsed thereon, shall be returned to the  
3052 original maker of the notice within said period of ninety days.

3053 Sec. 101. Subsection (b) of section 49-35a of the general statutes is  
3054 repealed and the following is substituted in lieu thereof:

3055 (b) The application, order and summons shall be substantially in the  
3056 following form:

3057 APPLICATION FOR DISCHARGE OR  
3058 REDUCTION OF MECHANIC'S LIEN

3059 To the .... Court of ....

3060 The undersigned represents:

3061 1. That .... is the owner of the real estate described in Schedule A  
3062 attached hereto.

3063 2. That the names and addresses of all other owners of record of  
3064 such real estate are as follows:

3065 3. That on or about ..., (date) ..., (name of lienor) of .... (address of  
3066 lienor) placed a mechanic's lien on such real estate and gave notice  
3067 thereof.

3068 4. That there is not probable cause to sustain the validity of such lien  
3069 (or: That such lien is excessive).

3070 5. That the applicant seeks an order for discharge (or reduction) of  
3071 such lien.

3072 Name of Applicant

3073 By ....

3074 His Attorney

3075

3076

## ORDER

3077 The above application having been presented to the court, it is  
3078 hereby ordered, that a hearing be held thereon at .... a.m. and that the  
3079 applicant give notice to the following persons: (Names and addresses  
3080 of persons entitled to notice) of the pendency of said application and of  
3081 the time when it will be heard by causing a true and attested copy of  
3082 the application, and of this order to be served upon such persons by  
3083 some proper officer or indifferent person on or before .... and that due  
3084 return of such notice be made to this court.

3085 Dated at .... this .... day of .... 19...

3086

3087

## SUMMONS

3088 To [the sheriff] a state marshal of the county of ..., [his deputy,] or  
3089 either constable of the town of ..., in said county,

3090 Greeting:

3091 By authority of the state of Connecticut, you are hereby commanded  
3092 to serve a true and attested copy of the above application and order  
3093 upon ..., of ... by leaving the same in his hands or at his usual place of  
3094 abode (or such other notice as ordered by the court) on or before ....

3095 Hereof fail not but due service and return make.

3096 Dated at .... this .... day of .... 19...

3097

3098

....

3099

Commissioner of the Superior Court

3100 (1) The clerk upon receipt of all the documents in duplicate, if he

3101 finds them to be in proper form, shall fix a date for a hearing on the  
3102 application and sign the order of hearing and notice. An entry fee of  
3103 twenty dollars shall then be collected and a copy of the original  
3104 document shall be placed in the court file.

3105 (2) The clerk shall deliver to the applicant's attorney the original of  
3106 the documents for service. Service having been made, the original  
3107 documents shall be returned to the court with the endorsement by the  
3108 officer of his doings.

3109 Sec. 102. Section 49-55d of the general statutes is repealed and the  
3110 following is substituted in lieu thereof:

3111 (a) If the lienor does not have possession of the vessel, he may bring  
3112 a complaint, setting forth the reasons for the lien and demanding the  
3113 sale of the vessel, returnable in the Superior Court, within whose  
3114 jurisdiction the vessel is located or where the services for which the  
3115 lien is claimed were performed. The lienor may cause to be issued a  
3116 writ of attachment against the vessel directed to a [sheriff] state  
3117 marshal or other proper officer who shall take possession of the vessel  
3118 and continue in possession of the same where located, or elsewhere as  
3119 deemed expedient by the officer.

3120 (b) A copy of the complaint shall be personally served by a [sheriff]  
3121 state marshal or other proper officer upon the owner of the vessel or  
3122 left at his usual place of abode if the owner is a resident of this state. If  
3123 the owner is not a resident of this state, then a copy of the complaint  
3124 shall be served upon such person as may be in charge of the vessel and  
3125 the [sheriff] state marshal shall send a notice of the complaint and the  
3126 attachment of the vessel to the owner by certified mail at his last-  
3127 known residence.

3128 (c) The owner or his representative shall have thirty days next  
3129 succeeding the date the complaint is returnable to the proper court to  
3130 file an affidavit with the court controverting any material allegations  
3131 contained in the complaint and an affidavit that he has a valid defense.  
3132 The issues so raised shall be tried as all other issues in the court. If the



owner or his legal representative does not file the necessary affidavits, the lienor may make a motion for judgment and order of sale which shall be heard on short calendar by the court having jurisdiction, which motion the court shall have the power to grant and the court shall order the sale of the vessel by the [sheriff] state marshal or other proper officer at public auction, subject to all prior encumbrances on file with the Secretary of the State, provided at least seven days prior to the sale, a notice of the time, place, and purpose of the sale be published in a newspaper having general circulation where the vessel was located at the time of the attachment, and notice of same be sent by certified mail to the owner of the vessel at his last-known place of residence and to all other holders of valid security interests on file with the office of said secretary. The proceeds of the sale, after payment of all expenses connected with the sale and payment of any balance due on any valid security interest perfected before the vessel lien was filed, and satisfaction of the vessel lien and satisfaction of any valid security interest subsequent to the vessel lien presented for payment shall be paid to the owner. If the amount due the owner is not claimed within one year from the date of such sale, it shall escheat to the state.

Sec. 103. Section 50-1 of the general statutes is repealed and the following is substituted in lieu thereof:

All goods of a perishable nature left with any person, when the owner is unknown or when the owner neglects to take them away after reasonable notice, shall be advertised at least one week in a newspaper published in the county where they were left; and, if not then claimed and taken away, may be sold at public auction, under the inspection of [the sheriff or a deputy sheriff] a state marshal of such county, and the proceeds of the sale, after deducting the expenses thereof and the charges for which they may be liable, shall be deposited with the treasurer of the town where they were left, who shall hold the same, subject to the provisions of part III of chapter 32.

Sec. 104. Subsection (a) of section 51-30 of the general statutes is repealed and the following is substituted in lieu thereof:

3166 (a) The Superior Court or family support magistrate, when  
3167 transacting business, shall be attended by [the sheriff of the county in  
3168 which the court is held or by such of his deputies or special deputies,]  
3169 such judicial marshals or by such constables, [as the sheriff may  
3170 authorize,] and by such messengers as the Chief Court Administrator  
3171 or his designee may authorize.

3172 Sec. 105. Section 51-89 of the general statutes is repealed and the  
3173 following is substituted in lieu thereof:

3174 No [sheriff, deputy sheriff] state marshal or constable shall appear  
3175 in court as attorney.

3176 Sec. 106. Section 51-206 of the general statutes is repealed and the  
3177 following is substituted in lieu thereof:

3178 An adjournment of any term or session of the Supreme Court may  
3179 be made, at any time when no judge of the court is present, by [the  
3180 sheriff of Hartford County, or by his deputy] judicial marshals, upon a  
3181 written order from the Chief Justice of said court or, in his absence or  
3182 inability to act, from the senior associate judge of said court, directing  
3183 such adjournment and the time to which it shall be made; but, when  
3184 any judge or judges of said court are present, such judge or judges may  
3185 make such adjournment; provided any adjournment made upon such  
3186 written order or by any judge or judges less than a quorum shall not be  
3187 made to a time beyond one month from the day of adjournment.

3188 Sec. 107. Section 51-246 of the general statutes is repealed and the  
3189 following is substituted in lieu thereof:

3190 In the trial of any capital case or any case involving imprisonment  
3191 for life, the court may, in its discretion, require the jury to remain  
3192 together in the charge of [the sheriff] judicial marshals during the trial  
3193 and until the jury is discharged by the court from further consideration  
3194 of the case.

3195 Sec. 108. Subsection (a) of section 52-50 of the general statutes is

3196 repealed and the following is substituted in lieu thereof:

3197 (a) All process shall be directed to a [sheriff, his deputy] state  
3198 marshal, a constable or other proper officer authorized by statute, or,  
3199 subject to the provisions of subsection (b) of this section, to an  
3200 indifferent person. A direction on the process "to any proper officer"  
3201 shall be sufficient to direct the process to a [sheriff, deputy sheriff]  
3202 state marshal, constable or other proper officer.

3203 Sec. 109. Section 52-53 of the general statutes is repealed and the  
3204 following is substituted in lieu thereof:

3205 A [sheriff] state marshal may, on any special occasion, depute, in  
3206 writing on the back of the process, any proper person to serve it. After  
3207 serving the process, such person shall make oath before a justice of the  
3208 peace that he faithfully served the process according to his  
3209 endorsement thereon and did not fill out the process or direct any  
3210 person to fill it out; and, if such justice of the peace certifies on the  
3211 process that he administered such oath, the service shall be valid.

3212 Sec. 110. Section 52-127 of the general statutes is repealed and the  
3213 following is substituted in lieu thereof:

3214 Any process or complaint drawn or filled out by a [sheriff, deputy  
3215 sheriff] state marshal or constable, except in his own cause, shall abate;  
3216 but process shall not abate on account of any alteration between the  
3217 time of signing and of serving it.

3218 Sec. 111. Subsection (b) of section 52-278c of the general statutes is  
3219 repealed and the following is substituted in lieu thereof:

3220 (b) The application, order and summons shall be substantially in the  
3221 form following:

3222

3223 APPLICATION FOR PREJUDGMENT REMEDY

3224 To the Superior Court for the judicial district of ....

3225 The undersigned represents:

3226 1. That .... is about to commence an action against .... of .... (give  
3227 name and address of defendant) pursuant to the attached proposed  
3228 unsigned Writ, Summons, Complaint and Affidavit.

3229 2. That there is probable cause that a judgment in the amount of the  
3230 prejudgment remedy sought, or in an amount greater than the amount  
3231 of the prejudgment remedy sought, taking into account any known  
3232 defenses, counterclaims or set-offs, will be rendered in the matter in  
3233 favor of the applicant and that to secure the judgment the applicant  
3234 seeks an order from this court directing that the following  
3235 prejudgment remedy be granted to secure the sum of \$ ....:

3236 a. To attach sufficient property of the defendant to secure such sum:

3237 b. To garnishee ....., as he is the agent, trustee, debtor of the  
3238 defendant and has concealed in his possession property of the  
3239 defendant and is indebted to him.

3240 c. (Other Type of Prejudgment Remedy Requested.)

3241 Name of Applicant

3242 By ....

3243 His Attorney

3244 ORDER

3245 The above application having been presented to the court, it is  
3246 hereby ordered, that a hearing be held thereon on .... at .... a.m. and  
3247 that the plaintiff give notice to the defendant in accordance with  
3248 section 52-278c of the general statutes of the pendency of the  
3249 application and of the time when it will be heard by causing a true and  
3250 attested copy of the application, the proposed unsigned writ,

3251 summons, complaint, affidavit and of this order, together with such  
3252 notice as is required under subsection (e) of section 52-278c, to be  
3253 served upon the defendant by some proper officer or indifferent  
3254 person on or before ..., and that due return of service be made to this  
3255 court.

3256 Dated at Hartford this .... day of ..., 19 ...

3257 Clerk of the Court

3258

3259 SUMMONS

3260 To [the sheriff] a state marshal of the county of ..., [his deputy,] or  
3261 either constable of the town of ..., in said county,

3262 Greeting:

3263 By authority of the state of Connecticut, you are hereby commanded  
3264 to serve a true and attested copy of the above application, unsigned  
3265 proposed writ, summons, complaint, affidavit and order upon ..., of  
3266 ..., by leaving the same in his hands or at his usual place of abode on  
3267 or before ....

3268 Hereof fail not but due service and return make.

3269 Dated at .... this .... day of .... 19...

3270 Commissioner of the Superior Court

3271 Sec. 112. Section 52-293 of the general statutes is repealed and the  
3272 following is substituted in lieu thereof:

3273 When any livestock, or other personal property in its nature  
3274 perishable or liable to depreciation, or the custody and proper  
3275 preservation of which would be difficult or expensive, is attached,  
3276 either party to the suit may apply to any judge of the court to which  
3277 such process is returnable for an order to sell the same, and thereupon,

3278 after such reasonable notice to the adverse party as such judge directs,  
3279 and upon satisfactory proof that such sale is necessary and proper, and  
3280 payment of his fees by the party making such application, he may  
3281 order such property to be sold by the officer who attached the same,  
3282 or, in case of his inability, by [the sheriff of the county, or by any of his  
3283 deputies] a state marshal, or any indifferent person requested in  
3284 writing to do so by such attaching officer, at public auction, at such  
3285 time and place, and upon such notice, as such judge deems reasonable;  
3286 and he may, at his discretion, order the officer making such sale to  
3287 deposit the avails with the clerk of such court.

3288 Sec. 113. Subsection (b) of section 52-325a of the general statutes is  
3289 repealed and the following is substituted in lieu thereof:

3290 (b) The application, order and summons shall be substantially in the  
3291 following form:

3292

3293 APPLICATION FOR DISCHARGE OF

3294 NOTICE OF LIS PENDENS

3295

3296 To the .... Court of ....

3297 The undersigned represent(s):

3298 1. That .... is the owner of the real property described in schedule A  
3299 attached hereto;

3300 2. That on or about .... (date) .... (name of plaintiff) of .... (address of  
3301 plaintiff) recorded a notice of lis pendens affecting such real property  
3302 and gave notice thereof;

3303 3. That there is not probable cause to sustain the validity of the  
3304 plaintiff's claim or, in an action that alleges an illegal, invalid or  
3305 defective transfer of an interest in real property, that the initial illegal,

3306 invalid or defective transfer of an interest in real property occurred  
3307 sixty years or more prior to the commencement of the action;

3308 4. That the applicant seeks an order for discharge of such recorded  
3309 notice of lis pendens.

3310 .....

3311 (Name of Applicant)

3312 By: ....

3313 His Attorney

3314

## 3315 ORDER

3316 The above application having been presented to the court, it is  
3317 hereby ordered that a hearing be held thereon at ... (time) on ... (date)  
3318 and that the applicant give notice to the following persons: ... (Names  
3319 and addresses of persons entitled to notice) of the pendency of said  
3320 application and of the time when it will be heard by causing a true and  
3321 attested copy of the application and of this order to be served upon  
3322 such persons by some proper officer or indifferent person on or before  
3323 .... and that due return of such notice be made to this court.

3324 Dated at .... this .... day of ..., 19...

3325 .....

3326 (Clerk of the Court)

3327

## 3328 SUMMONS

3329 To [the sheriff] a state marshal of the county of ..., [his deputy] or  
3330 either constable of the town of ..., in said county,

3331 Greeting:

3332 By authority of the state of Connecticut, you are hereby commanded  
3333 to serve a true and attested copy of the above application and order  
3334 upon ..., of ... by leaving the same in his hands or at his usual place of  
3335 abode (or such other notice as ordered by the court) on or before ...

3336 Hereof fail not but due service and return make.

3337 Dated at ... this ... day of ... 19...

3338 .....

3339 (Commissioner of the Superior Court)

3340 (1) The clerk upon receipt of all such documents in duplicate, if he  
3341 finds them to be in proper form, shall fix a date for a hearing on the  
3342 application and sign the order of hearing and notice. A copy of the  
3343 original document shall be placed in the court file.

3344 (2) The clerk shall deliver to the applicant's attorney the original of  
3345 such documents for service. Service having been made, such original  
3346 documents shall be returned to such court with the endorsement by  
3347 the officer of his actions.

3348 Sec. 114. Subdivision (12) of section 52-350a of the general statutes is  
3349 repealed and the following is substituted in lieu thereof:

3350 (12) "Levying officer" means a [sheriff, deputy sheriff] state marshal  
3351 or constable acting within his geographical jurisdiction or in IV-D  
3352 cases, any investigator employed by the Commissioner of Social  
3353 Services.

3354 Sec. 115. Subsection (d) of section 52-434 of the general statutes is  
3355 repealed and the following is substituted in lieu thereof:

3356 (d) Each judge trial referee may have the attendance of a [sheriff or  
3357 deputy sheriff] judicial marshal at any hearing before him. The [sheriff



3358 or deputy sheriff] judicial marshal shall receive the same compensation  
3359 provided for attendance at regular sessions of the court from which the  
3360 case was referred and such compensation shall be taxed by the state  
3361 referee in the same manner as similar costs are taxed by the judges of  
3362 the court.

3363 Sec. 116. Subsection (a) of section 52-593a of the general statutes is  
3364 repealed and the following is substituted in lieu thereof:

3365 (a) Except in the case of an appeal from an administrative agency  
3366 governed by section 4-183, a cause or right of action shall not be lost  
3367 because of the passage of the time limited by law within which the  
3368 action may be brought, if the process to be served is personally  
3369 delivered to an officer authorized to serve the process or is personally  
3370 delivered to [the office of] any [sheriff] state marshal within the time  
3371 limited by law, and the process is served, as provided by law, within  
3372 fifteen days of the delivery.

3373 Sec. 117. Section 53-164 of the general statutes is repealed and the  
3374 following is substituted in lieu thereof:

3375 Any person who aids or abets any inmate in escaping from Long  
3376 Lane School, the Connecticut School for Boys\* or The Southbury  
3377 Training School or who knowingly harbors any such inmate, or aids in  
3378 abducting any such inmate who has been paroled from the person or  
3379 persons to whose care and service such inmate has been legally  
3380 committed, shall be fined not more than five hundred dollars or  
3381 imprisoned not more than three months or both. Any [sheriff, deputy  
3382 sheriff,] constable or officer of state or local police, and any officer or  
3383 employee of any of said institutions, is authorized and directed to  
3384 arrest any person who has escaped therefrom and return him thereto.

3385 Sec. 118. Subsection (f) of section 53-202 of the general statutes is  
3386 repealed and the following is substituted in lieu thereof:

3387 (f) Each manufacturer shall keep a register of all machine guns  
3388 manufactured or handled by him. Such register shall show the model

3389 and serial number, date of manufacture, sale, loan, gift, delivery or  
3390 receipt, of each machine gun, the name, address and occupation of the  
3391 person to whom the machine gun was sold, loaned, given or delivered,  
3392 or from whom it was received and the purpose for which it was  
3393 acquired by the person to whom the machine gun was sold, loaned,  
3394 given or delivered. Upon demand, any manufacturer shall permit any  
3395 marshal, [sheriff] or police officer to inspect his entire stock of machine  
3396 guns, and parts and supplies therefor, and shall produce the register,  
3397 herein required, for inspection. Any person who violates any provision  
3398 of this subsection shall be fined not more than two thousand dollars.

3399 Sec. 119. Section 53-264 of the general statutes is repealed and the  
3400 following is substituted in lieu thereof:

3401 Each attorney, [sheriff, deputy sheriff] state marshal or constable,  
3402 who, with intent to make gain by the fees of collection, purchases and  
3403 sues upon any choses in action, shall be fined not more than one  
3404 hundred dollars.

3405 Sec. 120. Section 53a-54b of the general statutes is repealed and the  
3406 following is substituted in lieu thereof:

3407 A person is guilty of a capital felony who is convicted of any of the  
3408 following: (1) Murder of a member of the Division of State Police  
3409 within the Department of Public Safety or of any local police  
3410 department, a chief inspector or inspector in the Division of Criminal  
3411 Justice, a [sheriff or deputy sheriff] state marshal who is exercising  
3412 authority granted under any provision of the general statutes, a  
3413 judicial marshal in performance of the duties of a judicial marshal, a  
3414 constable who performs criminal law enforcement duties, a special  
3415 policeman appointed under section 29-18, an employee of the  
3416 Department of Correction or a person providing services on behalf of  
3417 said department when such employee or person is acting within the  
3418 scope of his employment or duties in a correctional institution or  
3419 facility and the actor is confined in such institution or facility, or any  
3420 fireman, while such victim was acting within the scope of his duties;

3421 (2) murder committed by a defendant who is hired to commit the same  
3422 for pecuniary gain or murder committed by one who is hired by the  
3423 defendant to commit the same for pecuniary gain; (3) murder  
3424 committed by one who has previously been convicted of intentional  
3425 murder or of murder committed in the course of commission of a  
3426 felony; (4) murder committed by one who was, at the time of  
3427 commission of the murder, under sentence of life imprisonment; (5)  
3428 murder by a kidnapper of a kidnapped person during the course of the  
3429 kidnapping or before such person is able to return or be returned to  
3430 safety; (6) the illegal sale, for economic gain, of cocaine, heroin or  
3431 methadone to a person who dies as a direct result of the use by him of  
3432 such cocaine, heroin or methadone; (7) murder committed in the  
3433 course of the commission of sexual assault in the first degree; (8)  
3434 murder of two or more persons at the same time or in the course of a  
3435 single transaction; or (9) murder of a person under sixteen years of age.

3436 Sec. 121. Section 54-98 of the general statutes is repealed and the  
3437 following is substituted in lieu thereof:

3438 [Sheriffs] The Chief Court Administrator or the administrator's  
3439 designee shall execute each mittimus for the commitment of convicts  
3440 to the Connecticut Correctional Institution, Somers, by delivering such  
3441 convicts to the warden of said institution or his agent at said  
3442 institution. [and such sheriffs shall receive for such transportation, for  
3443 each prisoner, twenty-five cents per mile from the community  
3444 correctional center in which such prisoner is confined to the  
3445 Connecticut Correctional Institution, Somers, to be taxed and paid as  
3446 other expenses in criminal cases.]

3447 Sec. 122. Section 54-101 of the general statutes is repealed and the  
3448 following is substituted in lieu thereof:

3449 When any person detained at the Connecticut Correctional  
3450 Institution, Somers, awaiting execution of a sentence of death appears  
3451 to the warden thereof to be insane, the warden may make application  
3452 to the superior court for the judicial district of Tolland having either

3453 civil or criminal jurisdiction or, if said court is not in session, to any  
3454 judge of the Superior Court, and, after hearing upon such application,  
3455 notice thereof having been given to the state's attorney for the judicial  
3456 district wherein such person was convicted, said court or such judge  
3457 may, if it appears advisable, appoint three reputable physicians to  
3458 examine as to the mental condition of the person so committed. Upon  
3459 return to said court or such judge of a certificate by such physicians, or  
3460 a majority of them, stating that such person is insane, said court or  
3461 such judge shall order the sentence of execution to be stayed and such  
3462 person to be transferred to any state hospital for mental illness for  
3463 confinement, support and treatment until he recovers his sanity, and  
3464 shall cause a mittimus to be issued to the [sheriff of Tolland County, or  
3465 either of his deputies,] Department of Correction for such  
3466 commitment. If, at any time thereafter, the superintendent of the state  
3467 hospital to which such person has been committed is of the opinion  
3468 that he has recovered his sanity, he shall so report to the state's  
3469 attorney for the judicial district wherein the conviction was had and  
3470 such attorney shall thereupon make application to the superior court  
3471 for such judicial district having criminal jurisdiction, for the issuance  
3472 of a warrant of execution for such sentence, and, if said court finds that  
3473 such person has recovered his sanity, it shall cause a mittimus to be  
3474 issued for his return to the Connecticut Correctional Institution,  
3475 Somers, there to be received and kept until a day designated in the  
3476 mittimus for the infliction of the death penalty, and thereupon said  
3477 penalty shall be inflicted, in accordance with the provisions of the  
3478 statutes.

3479 Sec. 123. Section 54-127 of the general statutes is repealed and the  
3480 following is substituted in lieu thereof:

3481 The request of the Commissioner of Correction or any officer of the  
3482 Department of Correction so designated by the commissioner, or of the  
3483 Board of Parole, its chairman or any officer of the Board of Parole  
3484 designated by the chairman shall be sufficient warrant to authorize  
3485 any officer of the Department of Correction or of the Board of Parole,  
3486 as the case may be, or any officer authorized by law to serve criminal

3487 process within this state, to return any convict or inmate on parole into  
3488 actual custody; and any such officer, police officer, constable or  
3489 [sheriff] state marshal shall arrest and hold any parolee or inmate  
3490 when so requested, without any written warrant.

3491 Sec. 124. Section 53-164 of the general statutes, as amended by  
3492 section 24 of public act 99-26, is repealed and the following is  
3493 substituted in lieu thereof:

3494 Any person who aids or abets any inmate in escaping from the  
3495 Connecticut Juvenile Training School or The Southbury Training  
3496 School or who knowingly harbors any such inmate, or aids in  
3497 abducting any such inmate who has been paroled from the person or  
3498 persons to whose care and service such inmate has been legally  
3499 committed, shall be fined not more than five hundred dollars or  
3500 imprisoned not more than three months or both. Any [sheriff, deputy  
3501 sheriff,] constable or officer of state or local police, and any officer or  
3502 employee of any of said institutions, is authorized and directed to  
3503 arrest any person who has escaped therefrom and return him thereto.

3504 Sec. 125. Subdivision (17) of subsection (b) of section 54-203 of the  
3505 general statutes, as amended by sections 1 to 3, inclusive, of public act  
3506 99-184, is repealed and the following is substituted in lieu thereof:

3507 (17) To provide a training program for judges, prosecutors, police,  
3508 probation and parole personnel, bail commissioners, officers from the  
3509 Department of Correction and [special deputy sheriffs] judicial  
3510 marshals to inform them of victims' rights and available services.

3511 Sec. 126. Section 6-29 of the general statutes is repealed and the  
3512 following is substituted in lieu thereof:

3513 No judge, except a judge of probate, and no justice of the peace shall  
3514 [hold the office of sheriff or deputy sheriff] be a state marshal.

3515 Sec. 127. Section 6-39 of the general statutes is repealed and the  
3516 following is substituted in lieu thereof:

3517 Each [deputy sheriff] state marshal, before entering upon the duties  
3518 of [his office] a state marshal, shall give to the [sheriff] State Marshal  
3519 Commission a bond in the sum of ten thousand dollars conditioned  
3520 that [he] such state marshal will faithfully discharge the duties of [his  
3521 office] state marshal and answer all damages which any person  
3522 sustains by reason of [his] such state marshal's unfaithfulness or  
3523 neglect. [; provided no such bond shall be required of a sheriff who has  
3524 given a bond under the provisions of section 6-30 and who is acting as  
3525 a deputy pursuant to appointment under section 6-38.] The premium  
3526 for said bonds shall be paid by the state. No [deputy sheriff] state  
3527 marshal shall collect tax warrants for the state or any municipality  
3528 until such [deputy sheriff] state marshal executes a bond in the sum of  
3529 one hundred thousand dollars.

3530 Sec. 128. Section 6-30a of the general statutes is repealed and the  
3531 following is substituted in lieu thereof:

3532 [Each sheriff and deputy sheriff, on or after October 1, 1976,] On and  
3533 after the effective date of this act, each state marshal shall be required  
3534 to carry personal liability insurance for damages caused by reason of  
3535 his tortious acts in not less than the following amounts: For damages  
3536 caused to any one person or to the property of any one person, one  
3537 hundred thousand dollars and for damages caused to more than one  
3538 person or to the property of more than one person, three hundred  
3539 thousand dollars. For the purpose of this section "tortious act" means  
3540 negligent acts, errors or omissions for which such [sheriff or deputy  
3541 sheriff] state marshal may become legally obligated to any damages for  
3542 false arrest, erroneous service of civil papers, false imprisonment,  
3543 malicious prosecution, libel, slander, defamation of character, violation  
3544 of property rights or assault and battery if committed while making or  
3545 attempting to make an arrest or against a person under arrest;  
3546 provided, it shall not include any such act unless committed in the  
3547 performance of the official duties of such [sheriff or deputy sheriff]  
3548 state marshal.

3549 Sec. 129. Section 6-32 of the general statutes is repealed and the

3550 following is substituted in lieu thereof:

3551 Each [sheriff and each deputy sheriff] state marshal shall receive  
3552 each process directed to him when tendered, execute it promptly and  
3553 make true return thereof; and shall, without any fee, give receipts  
3554 when demanded for all civil process delivered to him to be served,  
3555 specifying the names of the parties, the date of the writ, the time of  
3556 delivery and the sum or thing in demand. If any [sheriff] state marshal  
3557 does not duly and promptly execute and return any such process or  
3558 makes a false or illegal return thereof, he shall be liable to pay double  
3559 the amount of all damages to the party aggrieved.

3560 Sec. 130. (NEW) All special deputy sheriffs serving on the effective  
3561 date of this act as prisoner custody and transportation personnel and  
3562 as court security personnel and all deputy sheriffs serving on the  
3563 effective date of this act as prisoner custody or transportation  
3564 personnel and as court security personnel who elect to continue to  
3565 perform such functions under section 142 of this act shall continue to  
3566 provide such prisoner custody, transportation or court security  
3567 services after the effective date of this act as judicial marshals and shall  
3568 be employees of the Judicial Department. The Judicial Department  
3569 shall recognize the bargaining unit of special deputy sheriffs for the  
3570 purpose of collective bargaining with judicial marshals.

3571 Sec. 131. Section 5-187b of the general statutes is repealed and the  
3572 following is substituted in lieu thereof:

3573 Notwithstanding any provision of this chapter, each special deputy  
3574 sheriff, appointed pursuant to section 6-43 before July 1, 1999, shall  
3575 become a member of the state employees retirement system on July 1,  
3576 1999, and vesting and credited service shall be calculated from said  
3577 date. The provisions of this section shall apply to and include each  
3578 such special deputy sheriff otherwise included under this section who  
3579 becomes employed as a judicial marshal in accordance with section 130  
3580 of this act, provided in no event shall an employee receiving payments  
3581 pursuant to section 5-164a or section 5-192v receive vesting or credited

3582 service under this section.

3583       Sec. 132. Section 5-187c of the general statutes is repealed and the  
3584 following is substituted in lieu thereof:

3585       (a) Notwithstanding any provision of this chapter, each special  
3586 deputy sheriff, appointed pursuant to section 6-43 on or after July 1,  
3587 1999, shall become a member of the state employees retirement system  
3588 on the date of [his] the appointment to office of such special deputy  
3589 sheriff and vesting and credited service shall be calculated from the  
3590 date of [his] such appointment. The provisions of this subsection shall  
3591 apply to and include each such special deputy sheriff otherwise  
3592 included under this section who becomes employed as a judicial  
3593 marshal in accordance with section 130 of this act, provided in no  
3594 event shall an employee receiving payments pursuant to section 5-164a  
3595 or section 5-192v receive vesting or credited service under this section.

3596       (b) Notwithstanding any provision of this chapter, each person  
3597 employed as a judicial marshal pursuant to section 1 or 2 of this act, on  
3598 or after December 1, 2000, shall become a member of the state  
3599 employees retirement system on the date of such employment and  
3600 vesting and credited service shall be calculated from the date of such  
3601 employment, provided in no event shall an employee receiving  
3602 payments pursuant to section 5-164a or section 5-192v receive vesting  
3603 or credited service under this section.

3604       Sec. 133. Subsection (l) of section 5-259 of the general statutes is  
3605 repealed and the following is substituted in lieu thereof:

3606       (l) (1) Effective July 1, 1996, any deputies or special deputies  
3607 appointed pursuant to section 6-37 or section 6-43, shall be allowed to  
3608 participate in the plan or plans procured by the Comptroller pursuant  
3609 to subsection (a) of this section. Such participation shall be voluntary  
3610 and the participant shall pay the full cost of the coverage under such  
3611 plan.

3612       (2) Effective December 1, 2000, any state marshal shall be allowed to



3613 participate in the plan or plans procured by the Comptroller pursuant  
3614 to subsection (a) of this section. Such participation shall be voluntary  
3615 and the participant shall pay the full cost of the coverage under such  
3616 plan.

3617 (3) Effective December 1, 2000, any judicial marshal shall be allowed  
3618 to participate in the plan or plans procured by the Comptroller  
3619 pursuant to subsection (a) of this section. Such participation shall be  
3620 voluntary and the participant shall pay the full cost of the coverage  
3621 under such plan unless and until the judicial marshals participate in  
3622 the plan or plans procured by the Comptroller under section 5-259  
3623 through collective bargaining negotiations pursuant to subsection (f) of  
3624 section 5-278.

3625 Sec. 134. Section 7-8 of the general statutes is repealed and the  
3626 following is substituted in lieu thereof:

3627 The moderator of any town meeting, and of any meeting of any  
3628 society or other community lawfully assembled, may, when any  
3629 disorder arises in the meeting and the offender refuses to submit to  
3630 [his] the moderator's lawful authority, order any proper officer to take  
3631 [him] the offender into custody and, if necessary, to remove [him] the  
3632 offender from such meeting until [he] the offender conforms to order  
3633 or, if need be, until such meeting is closed, and thereupon such officer  
3634 shall have power to command all necessary assistance. Any person  
3635 refusing to assist when commanded shall be liable to the same  
3636 penalties as for refusing to assist [sheriffs and] constables in the  
3637 execution of their duties; but no person commanded to assist shall be  
3638 deprived of [his] such person's right to act in the meeting, nor shall the  
3639 offender be so deprived any longer than [he] the offender refuses to  
3640 conform to order.

3641 Sec. 135. Section 9-230 of the general statutes is repealed and the  
3642 following is substituted in lieu thereof:

3643 The registrars of voters may request the head of the police  
3644 department of the municipality, or, if none, a constable serving such

3645 municipality, to provide police protection at any polling place of any  
3646 regular or special state or municipal election where they may  
3647 anticipate disorder. The moderator of such election may, when any  
3648 disorder arises in such election and the offender refuses to submit to  
3649 [his] the moderator's lawful authority, order any officer with power of  
3650 arrest to take [him] the offender into custody and, if necessary, to  
3651 remove [him] the offender from such election until [he] the offender  
3652 conforms to order or, if need be, until such election is closed, and  
3653 thereupon such officer may command all necessary assistance. Any  
3654 person refusing to assist when commanded shall be liable to the same  
3655 penalties as for refusing to assist [sheriffs and] constables in the  
3656 execution of their duties, but no person commanded to assist shall be  
3657 deprived of [his] such person's right to vote at such election, nor shall  
3658 the offender be so deprived any longer than [he] the offender refuses  
3659 to conform to order.

3660 Sec. 136. Subsection (b) of section 29-33 of the general statutes, as  
3661 amended by section 15 of public act 99-212, is repealed and the  
3662 following is substituted in lieu thereof:

3663 (b) On and after October 1, 1995, no person may purchase or receive  
3664 any pistol or revolver unless such person holds a valid permit to carry  
3665 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a  
3666 valid permit to sell at retail a pistol or revolver issued pursuant to  
3667 subsection (a) of section 29-28 or a valid eligibility certificate for a  
3668 pistol or revolver issued pursuant to section 29-36f or is a federal  
3669 marshal, [sheriff,] parole officer or peace officer.

3670 Sec. 137. Section 29-108b of the general statutes is repealed and the  
3671 following is substituted in lieu thereof:

3672 The Commissioner of Public Safety may appoint, at the request of  
3673 the Connecticut Humane Society, accredited agents of that society as  
3674 special police officers to serve for two years from the date of their  
3675 respective appointments, subject to removal by said commissioner.  
3676 Such officers shall serve without pay, except their regular

3677 compensation as agents of said society. They shall receive no fees for  
3678 service or return of any criminal process and shall have, throughout  
3679 the state, the powers of [sheriffs,] constables and police officers to  
3680 arrest and detain any person violating any provision of the statutes  
3681 concerning cruelty to animals.

3682 Sec. 138. Section 52-593a of the general statutes is repealed and the  
3683 following is substituted in lieu thereof:

3684 (a) Except in the case of an appeal from an administrative agency  
3685 governed by section 4-183, a cause or right of action shall not be lost  
3686 because of the passage of the time limited by law within which the  
3687 action may be brought, if the process to be served is personally  
3688 delivered to [an officer] a state marshal authorized to serve the process  
3689 [or is personally delivered to the office of any sheriff within the time  
3690 limited by law,] and the process is served, as provided by law, within  
3691 fifteen days of the delivery.

3692 (b) In any such case the officer making service shall endorse under  
3693 oath on [his] such officer's return the date of delivery of the process to  
3694 [him] such officer for service in accordance with this section.

3695 Sec. 139. Section 6-32a of the general statutes is repealed and the  
3696 following is substituted in lieu thereof:

3697 There is established a Sheriffs' Advisory Board, hereinafter referred  
3698 to as the advisory board, to administer a prisoner transportation and  
3699 courthouse security system. The advisory board shall consist of [five]  
3700 seven members, as follows: (1) A high sheriff elected by the high  
3701 sheriffs in a manner determined by them, who shall serve as chairman;  
3702 (2) a high sheriff elected by the high sheriffs in a manner determined  
3703 by them, who shall serve as vice-chairman; (3) the Commissioner of  
3704 Correction and one additional representative of the Department of  
3705 Correction; (4) the Chief Court Administrator and one additional  
3706 representative of the Judicial Department, appointed by the Chief  
3707 Court Administrator; and (5) the Comptroller. The terms of the  
3708 chairman and vice-chairman of the advisory board shall be

3709 coterminous with the term of the Governor or until a successor for  
3710 such chairman or vice-chairman, as the case may be, is chosen,  
3711 whichever is later. The chairman shall designate one high sheriff as a  
3712 deputy who shall, in [his] the chairman's absence or disqualification,  
3713 exercise [his] the chairman's powers and duties until [he] the chairman  
3714 resumes [his] the duties as chairman or the vacancy is filled. Such  
3715 deputy shall serve at the pleasure of the chairman. The vice-chairman  
3716 shall designate one high sheriff as an alternate who shall, in [his] the  
3717 vice-chairman's absence or disqualification or on [his] the death of  
3718 such vice-chairman, exercise [his] the vice-chairman's powers and  
3719 duties until [he] the vice-chairman resumes [his] the duties of vice-  
3720 chairman or the vacancy is filled. The Commissioner of Correction, the  
3721 Chief Court Administrator and the Comptroller shall each designate  
3722 an alternate who shall, in [his] the absence or disqualification or [on  
3723 his] death of said commissioner, Chief Court Administrator or  
3724 Comptroller, exercise [his] the powers and duties of said  
3725 commissioner, Chief Court Administrator or Comptroller until [he]  
3726 said commissioner, Chief Court Administrator or Comptroller resumes  
3727 [his] the duties of said commissioner, Chief Court Administrator or  
3728 Comptroller or the vacancy is filled. Such alternate shall serve at the  
3729 pleasure of the member who designates [him] such alternate. All  
3730 members of the advisory board shall serve without compensation but  
3731 shall be compensated for necessary expenses incurred in the  
3732 performance of their duties as board members. The advisory board  
3733 shall be within the office of the Comptroller for administrative  
3734 purposes only.

3735 Sec. 140. Section 6-32b of the general statutes is repealed and the  
3736 following is substituted in lieu thereof:

3737 (a) The Sheriffs' Advisory Board: (1) Shall cooperate with the  
3738 Department of Administrative Services and other state agencies on  
3739 behalf of the high sheriffs and the prisoner transportation and  
3740 courthouse security system; (2) shall establish and administer a  
3741 training program for deputy sheriffs and special deputy sheriffs; (3)  
3742 shall establish operating procedures for the prisoner transportation

3743 and courthouse security system and direct its activities, as is required  
3744 for efficient coordination among the high sheriffs; (4) shall receive  
3745 appropriations for the high sheriffs and for the operation of the  
3746 prisoner transportation and courthouse security system and allocate  
3747 such appropriations among the high sheriffs, as required; (5) may  
3748 receive and expend, pursuant to the purposes of sections 4-165, 6-32 to  
3749 6-32e, inclusive, 6-43, 51-30, 54-1f and subsection (9) of section 53a-3,  
3750 moneys in the form of gifts, bequests, state appropriations, state or  
3751 private grants or federal grants; (6) shall submit to the Governor,  
3752 annually, as provided in section 4-60, a report containing a statement  
3753 of the activities of the board during the preceding year; and (7) shall  
3754 maintain complete records of all prisoner movements undertaken by  
3755 the high sheriffs. The advisory board shall establish minimum  
3756 qualifications for courthouse security personnel, shall develop a  
3757 standardized test to determine the qualifications, fitness and ability of  
3758 applicants to perform the duties of courthouse security personnel, shall  
3759 conduct an investigation of the background of each applicant and shall  
3760 require each applicant to undergo a physical examination. In addition,  
3761 on or before October 1, 1995, the advisory board shall approve a  
3762 training program for courthouse security personnel. No deputy sheriff  
3763 or special deputy sheriff appointed on or after October 1, 1995, shall  
3764 receive compensation pursuant to section 6-41 unless such deputy  
3765 sheriff or special deputy sheriff meets the minimum qualifications and  
3766 mandatory physical fitness standards for courthouse security  
3767 personnel and successfully completes an approved training program  
3768 for courthouse security personnel, provided any deputy sheriff or  
3769 special deputy sheriff shall receive compensation while participating  
3770 in such training program. Any person who is a deputy sheriff or  
3771 special deputy sheriff on September 30, 1995, or any person appointed  
3772 as a deputy sheriff or special deputy sheriff on or after October 1, 1995,  
3773 who has previously successfully completed an approved training  
3774 program, shall be exempt from such training requirement. In addition,  
3775 the advisory board shall cooperate with and shall ensure the  
3776 cooperation of the sheriffs, deputy sheriffs, special deputy sheriffs and  
3777 staff with the Judicial Department to facilitate the transition of the

3778 courthouse security and prisoner custody and transportation systems.

3779 (b) Notwithstanding the provisions of sections 6-37, 6-38 and 6-43,  
3780 and except as provided in subsection (a) of section 142 of this act, each  
3781 appointment to or removal from a position of deputy sheriff or special  
3782 deputy sheriff shall require the approval of the advisory board.

3783 Sec. 141. Section 6-33 of the general statutes is repealed and the  
3784 following is substituted in lieu thereof:

3785 The sheriffs elected in the several counties shall receive salaries  
3786 annually as follows: The sheriffs of the counties of New Haven,  
3787 Hartford, Fairfield and New London, thirty-seven thousand dollars  
3788 each; the sheriffs of the counties of Middlesex, Tolland, Litchfield and  
3789 Windham, thirty-five thousand dollars each. Said salaries shall be paid  
3790 by the state and shall be in full compensation for the performance of all  
3791 duties required by law to be performed by any of said sheriffs for the  
3792 state of Connecticut. [ , except for the service of civil process, for which  
3793 service any such sheriff shall be entitled to receive and retain the fees  
3794 therefor provided by law.] Said salaries shall be in lieu of all other  
3795 salaries paid by the state to said sheriffs. [ ,and all fees and allowances,  
3796 except those for the service of civil process, payable by statute to a  
3797 sheriff elected in any county, shall belong to the state, and shall be  
3798 collected by such sheriff for its use; provided, in cases where such fees  
3799 are payable ultimately by the state, no such fee shall be taxed, allowed  
3800 or paid to any such sheriff.] Commencing December 1, 2000, the  
3801 Department of Administrative Services shall be responsible for the  
3802 administrative functions of the Office of the County Sheriffs.

3803 Sec. 142. (NEW) (a) Notwithstanding the provisions of section 6-38  
3804 of the general statutes, until the appointment of members of the State  
3805 Marshall Commission under section 8 of this act, the Chief Court  
3806 Administrator is authorized to appoint as a state marshal any eligible  
3807 individual who applies for such a position. For purposes of this section  
3808 "eligible individual" means an individual who was a deputy sheriff on  
3809 May 31, 1999, who had served as a deputy sheriff for a period of not

3810 less than four years and who has submitted an application to the Chief  
3811 Court Administrator on or before June 30, 2000.

3812 (b) (1) Any deputy sheriff serving as a deputy sheriff on the effective  
3813 date of this act shall notify the Chief Court Administrator on or before  
3814 June 30, 2000, of the desire of such deputy sheriff to be appointed as a  
3815 state marshal.

3816 (2) Any deputy sheriff performing court security, prisoner custody  
3817 or transportation services on the effective date of this act who desires  
3818 to perform such functions as a judicial marshal, or desires to be  
3819 appointed as a state marshal, shall so notify the Chief Court  
3820 Administrator on or before June 30, 2000.

3821 (3) The Chief Court Administrator shall notify, in writing, the State  
3822 Marshal Commission of the decisions of the deputy sheriffs pursuant  
3823 to subdivisions (1) and (2) of this subsection.

3824 (c) For purposes of the State Marshal Commission filling any  
3825 vacancy in the position of state marshal in any county in accordance  
3826 with subsection (g) of section 8 of this act, nothing in subsection (a) of  
3827 this section shall be construed to authorize the State Marshal  
3828 Commission to fill a vacancy in any county if the total number of state  
3829 marshals in such county is equal to or exceeds the number allowed  
3830 under section 6-38 of the general statutes, as amended by this act.

3831 Sec. 143. (NEW) On or after December 1, 2000, no sheriff may  
3832 appoint or remove any deputy sheriff or special deputy sheriff.

3833 Sec. 144. (NEW) Before December 1, 2000, each high sheriff, in  
3834 carrying out the duties of sheriff, shall cooperate with the Chief Court  
3835 Administrator to ensure the efficient operation of the office of sheriff  
3836 and transition of the functions of said office to the Judicial Department.

3837 Sec. 145. Notwithstanding the provisions of subsections (a) to (d),  
3838 inclusive, of section 4-85 and subsection (b) of section 4-87 of the  
3839 general statutes, the Governor may, with the approval of the Finance

3840 Advisory Committee, modify or reduce requisitions for allotments in  
3841 the Office of the County Sheriffs during the fiscal year ending June 30,  
3842 2001, in order to establish and transfer positions and funds to the  
3843 Judicial Department and other appropriate state agencies.

3844 Sec. 146. (NEW) (a) There is established a State Marshals Advisory  
3845 Board which shall consist of twenty-four state marshals. Between  
3846 November 9, 2000, and November 14, 2000, and annually thereafter,  
3847 the state marshals in each county shall elect from among the state  
3848 marshals in their county the following number of state marshals to  
3849 serve on the board: Hartford, New Haven and Fairfield counties, four  
3850 state marshals; New London and Litchfield counties, three state  
3851 marshals; and Tolland, Middlesex and Windham counties, two state  
3852 marshals. State marshals elected to serve on the board shall serve for a  
3853 term of one year and may be reelected.

3854 (b) On or after the effective date of this act, the Chief Court  
3855 Administrator shall designate a date and time for the state marshals in  
3856 each county to come together for the purpose of electing state marshals  
3857 from each county to serve on the State Marshals Advisory Board  
3858 pursuant to subsection (a) of this section. A majority of the filled state  
3859 marshal positions in each county shall constitute a quorum for that  
3860 county. The election of state marshals to serve on the board shall be by  
3861 majority vote. The names of the state marshals elected in each county  
3862 shall be forwarded to the Chief Court Administrator. The Chief Court  
3863 Administrator, upon receipt of the election results from all counties,  
3864 shall designate a date and time for the first meeting of the board to  
3865 take place as soon as practicable after November 14, 2000.

3866 Sec. 147. Subsection (b) of section 5-192v of the general statutes is  
3867 repealed and the following is substituted in lieu thereof:

3868 (b) No member reemployed under this section or otherwise  
3869 reentering state service shall receive a retirement income during [his]  
3870 such member's reemployment or other state service except (1) if [his]  
3871 such member's services are rendered for not more than ninety working



3872 days in any one calendar year, provided that any member reemployed  
3873 for a period of more than ninety working days in one calendar year  
3874 shall reimburse the state retirement fund for retirement income  
3875 payments received during such ninety working days; (2) if [his] such  
3876 member's services are as a member of the General Assembly, [his] such  
3877 member's retirement income payments shall not be suspended; or (3) if  
3878 [his] such member's preretirement services which counted towards  
3879 [his] such member's retirement are other than as a special deputy  
3880 sheriff pursuant to chapter 78, and if [his] such member's  
3881 postretirement services are as a special deputy sheriff or, on and after  
3882 December 1, 2000, as a judicial marshal, and [he] such member was  
3883 employed as [such] a special deputy sheriff on July 1, 1999.

3884 Sec. 148. Subsection (c) of section 5-164a of the general statutes is  
3885 repealed and the following is substituted in lieu thereof:

3886 (c) No member reemployed under this section or under section 5-  
3887 164 or elected to serve in the General Assembly or otherwise  
3888 reentering state service shall receive a retirement income during [his]  
3889 such member's reemployment or other state service except (1) if [his]  
3890 such member's services as an employee are rendered for not more than  
3891 ninety working days in any one calendar year, provided that any  
3892 member reemployed for a period of more than ninety working days in  
3893 one calendar year shall reimburse the state retirement fund for  
3894 retirement income payments received during such ninety working  
3895 days; (2) if [his] such member's services are as a member of the General  
3896 Assembly or as a sessional employee of the General Assembly during  
3897 the regular legislative session, [his] such member's retirement income  
3898 payments shall not be suspended; or (3) if [his] such member's  
3899 preretirement services which counted towards retirement are other  
3900 than as a special deputy sheriff pursuant to chapter 78, and if [his]  
3901 such member's postretirement services are as a special deputy sheriff  
3902 or, on and after December 1, 2000, as a judicial marshal and [he] such  
3903 member was employed as [such] a special deputy sheriff on July 1,  
3904 1999.

3905       Sec. 149. (NEW) (a) As used in this section:

3906       (1) "Contribution" has the same meaning as "contribution" as  
3907       defined in section 9-333b of the general statutes, as amended, except  
3908       that the exclusions to said term in subsection (b) of said section shall  
3909       not apply;

3910       (2) "Expenditure" has the same meaning as "expenditure" as defined  
3911       in section 9-333c of the general statutes, as amended, except that the  
3912       exclusions to said term in subsection (b) of said section shall not apply;  
3913       and

3914       (3) "Immediate family" means a dependent relative who resides in  
3915       the individual's household or any spouse, child or parent of the  
3916       individual.

3917       (b) No high sheriff may, directly or indirectly, solicit a contribution  
3918       or an expenditure from a deputy sheriff, a special deputy sheriff, an  
3919       employee of the high sheriff, a member of the immediate family of a  
3920       deputy sheriff, special deputy sheriff or employee of the high sheriff,  
3921       or a business client with whom the high sheriff has conducted business  
3922       in his capacity as high sheriff during the preceding twelve months, for  
3923       (1) an exploratory committee or a candidate committee established by  
3924       a high sheriff, (2) a political committee established by a high sheriff or  
3925       an agent of a high sheriff, (3) the aid or promotion of the success or  
3926       defeat of a referendum question or (4) any other purpose for which  
3927       contributions or expenditures may be made under chapter 150 of the  
3928       general statutes.

3929       (c) A high sheriff commits a violation of this section when such high  
3930       sheriff, with intent that conduct that would constitute a violation of  
3931       this section if performed by a high sheriff be performed by another  
3932       person, agrees with one or more persons to engage in or cause the  
3933       performance of such conduct and any one of them commits an overt  
3934       act in pursuance of such agreement.

3935       (d) Any person who violates any provision of this section shall be

3936 guilty of a class D felony.

3937       Sec. 150. (NEW) No state marshal shall knowingly bill for, or receive  
3938 fees for, work that such state marshal did not actually perform.

3939       Sec. 151. (NEW) Any person who pays, lends or contributes  
3940 anything of value to a person who is an appointing authority for the  
3941 State Marshal Commission under section 8 of this act for political  
3942 purposes shall not be eligible for appointment as a state marshal for a  
3943 period of two years.

3944       Sec. 152. (NEW) The State Marshal Commission shall periodically  
3945 review and audit the records and accounts of the state marshals. Upon  
3946 the death or disability of a state marshal, the commission shall appoint  
3947 a qualified individual to oversee and audit the records and accounts of  
3948 such state marshal and render an accounting to the commission.

3949       Sec. 153. Sections 6-30, 6-31, 6-32a, 6-32b, 6-34, 6-37, 6-37a, 6-40 to 6-  
3950 41, inclusive, 6-44 to 6-48, inclusive, 9-182 and 9-331 of the general  
3951 statutes are repealed.

3952       Sec. 154. This act shall take effect from its passage, except that (1)  
3953 sections 1 to 7, inclusive, 10 to 123, inclusive, 125 to 138, inclusive, 147,  
3954 148 and 150 to 153, inclusive, shall take effect December 1, 2000, (2) if  
3955 the Secretary of the State certifies that the constitutional amendment  
3956 eliminating county sheriffs was not approved by the voters, sections 8,  
3957 9, 139 to 146, inclusive, and 149 shall cease to be effective on the date of  
3958 said certification, and sections 1 to 7, inclusive, 10 to 123, inclusive, 125  
3959 to 138, inclusive, 147, 148 and 150 to 153, inclusive, shall not take effect  
3960 on December 1, 2000, and (3) section 124 shall take effect on the date  
3961 when both of the following events have occurred: (A) The Secretary of  
3962 the State has certified the vote approving the constitutional  
3963 amendment eliminating county sheriffs, and (B) the Commissioner of  
3964 Children and Families has filed with the Governor and General  
3965 Assembly written certification that the new Connecticut Juvenile  
3966 Training Center is operational.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

***State Impact:*** Potential Cost (FY01), Uncertain, Minimal Cost

***Affected Agencies:*** County Sheriffs Agency, Judicial Department, Department of Administrative Services

***Municipal Impact:*** Potential Minimal Cost

### ***Explanation***

#### ***State and Municipal Impact:***

The bill results in two possible fiscal impact scenarios depending on whether the constitutional amendment to eliminate the sheriffs' system is approved by the voters and certified by the secretary of state.

1. **If the voters do not approve the Constitutional Amendment**, minimal absorbable costs would result associated with developing transition plans prior to the referendum.
2. **If the voters approve the Constitutional Amendment** then the bill could result in a cost of up to \$3.6 million by transferring the courthouse security and prisoner transportation functions of the County Sheriffs Agency to the Judicial Department. These costs relate to a potential increase in the salaries and benefits of the workers employed in these functions beginning on the date of the transfer (December 1, 2000) until these workers reach a collective bargaining agreement and have it approved by the

General Assembly. If submitted to the General Assembly on January 3, 2001 (the first day of the 2001 session), the General Assembly must act upon the agreement within 30 days). These costs reflect the difference between the current salaries and benefits of special deputy sheriffs and those of judicial police officers, which is a current employee classification within the Judicial Department. The actual level of salaries and benefits that would be granted to these workers by the Judicial Department for the one or two month period preceding the approval of a collective bargaining contract is unknown.

It should be noted that the bill specifically extends the retirement and medical benefits of current special deputy sheriffs to the judicial marshals created by the bill. Current special deputy sheriffs became eligible for entry into the state employees retirement system on July 1, 1999. In addition, current special deputy sheriffs may participate in the state employee medical insurance plans at their own expense. Therefore, there would be no change in the state cost of these benefits for these employees after the transfer takes place.

The above salary and benefit costs do not factor in any change in staffing patterns or utilization as a result of transferring the sheriffs' functions to the Judicial Department. The fiscal impact of a change in the management and control of these functions is unknown. Some potential indicators are listed below:

- Sheriffs have a higher staff to supervisor ratio than the Department of Correction (DOC). An analysis of the current numbers of line special deputy sheriffs to supervisory special deputy sheriffs yields a ratio of 10 to 1. The DOC ratio of correction officers to Correctional Lieutenants is 12 to 1. This could indicate that the sheriffs system is somewhat top-heavy in supervisory staff and suggests that savings could be achieved through rigorous management. It could also indicate,

however, that the sheriffs' do not deploy as many line special deputy sheriffs as are needed.

- The sheriffs system may currently be understaffed. In the mid-1990's, the Office of Policy and Management (OPM) funded a consultant to study the level of sheriffs staffing needed to safely staff the courthouses and other posts. The staffing levels of the county sheriffs are currently at 70% of the standards determined by the OPM report. Achieving these standards would cost more than \$7 million per year under current special deputy sheriff pay scales. Transferring the sheriffs' operations to another agency would likely increase the demand for achieving these standards.
- The county sheriffs may operate the courthouse security and prisoner transportation systems less expensively than another state agency would. In 1994, the county sheriffs assumed control from DOC of the Union Avenue lock-up in New Haven. In FY 93, DOC spent \$1.7 million in salaries and expenses on operation of the facility. In FY 94, when the county sheriffs took control, \$560,000 in expenditures was needed. In FY 99, the county sheriffs spent \$771,000 to operate the facility.

The bill eliminates the statutory salaries of the state's eight chief deputy sheriffs but not the statutory salaries of the state's eight elected high sheriffs on December 1, 2000. The salaries of these individuals are indicated below:

County	High Sheriff	Chief Dep. Sheriff	County Total
Hartford	\$37,000	\$11,000	\$48,000
New Haven	37,000	11,000	48,000
New London	37,000	11,000	48,000
Fairfield	37,000	11,000	48,000
Windham	35,000	10,500	45,500
Litchfield	35,000	10,500	45,500

<b>Middlesex</b>	35,000	10,500	45,500
<b>Tolland</b>	35,000	10,500	45,500
<b>Total</b>	<b>288,000</b>	<b>86,000</b>	<b>374,000</b>

The bill requires the Department of Administrative Services (DAS) to assume responsibility for the administrative functions of the Office of the County Sheriffs on December 1, 2000. DAS currently provides administrative assistance to several small state agencies, including the Governor's Office, the Police Officer Standards and Training Council, and the Judicial Selection Commission. This additional administration can be handled within the existing resources of the department.

The replacement of deputy sheriffs with state marshals is not anticipated to result in a cost to the state. Currently, deputy sheriffs receive their income from fees collected for the service of process. They do not receive a salary from the state (except for the chief deputy sheriffs and the high sheriffs). The bill appears to leave intact the current fee structure for service of process and makes it applicable to state marshals.

The bill creates a State Marshal Commission to oversee the administration of the state marshals. The amount of funds that would be required to operate this commission is unknown but is not anticipated to be significant. In addition to other duties, the commission would be required to audit the records of state marshals. This would result in a cost of \$20,000 for consultant services or part-time staff.

It should be noted that the bill allows the commission to establish minimum fees for service of process. If this provision were to allow service of process fees to be set higher than those currently provided by statute or otherwise, additional costs could result for the state and municipalities that utilize these services. The state spends over \$1 million per year on service of process performed by sheriffs. The agencies with the largest

costs are the Department of Children and Families, the Judicial Department and the Department of Social Services. In addition, the Attorney General passes an unknown amount of sheriffs' costs on to the agencies it represents during litigation.

### ***County Sheriffs FY 01 Budget***

The county sheriffs budget consists primarily of funding for special deputy sheriffs per diems. The budget also includes funding for training, transport vans, various safety programs and related expenses as well as salary funds for eight high sheriffs, eight chief deputy sheriffs, ten clerical personnel located in the counties and seven administrative staff located in Hartford (see totals below). The bill would transfer to the Judicial Department on January 1, 2001 any unexpended funds.

<b>County Sheriffs – Agency #8200</b>	
<b>Account</b>	<b>FY 01 Budget</b>
Personal Services (33 positions)	\$1,721,599
Other Expenses	1,137,466
Equipment	2,100
Sheriffs Training	691,221
Special Deputy Sheriffs	23,573,886
Vaccination and Testing	83,500
<b>Total</b>	<b>27,209,772</b>

### ***Status Of Special Deputy Sheriff Collective Bargaining***

The special deputy sheriffs have selected the International Brotherhood of Police Officers as their union. The state Office of Labor Relations will be representing the County Sheriffs Agency. The actual membership of each negotiating team and ground rules for negotiating are to be finalized in early April 2000. Negotiating sessions will begin towards the end of April. It is anticipated that the negotiations, including last best offers and arbitration will be concluded and ready for submission to the General Assembly in January or February of 2001.



House "A" reduced the cost in the original bill by changing the time frames of the date of transfer of the courthouse security and prisoner transportation functions from July 1, 2000 to October 1, 2000. It also reduced the potential cost by changing the name of the transferred workers from judicial police officers to judicial marshals.

House "B" further reduced the cost by changing the effective date of the courthouse security and prisoner transportation function to December 1, 2000. It also potentially eliminated any cost beyond minimal transition costs by tying the transfer to approval of a constitutional amendment by the voters.

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**OLR Amended Bill Analysis**

sHB 5832 (as amended by House "A" and House "B")\*

***AN ACT CONCERNING REFORMING THE SHERIFF SYSTEM.*****SUMMARY:**

This bill transfers on December 1, 2000, if the constitutional amendment eliminating county sheriffs is approved by the voters, (1) responsibility for transporting prisoners to courthouses, custody of prisoners at courthouses, and courthouse security from the county sheriffs to the Judicial Department and (2) service of process functions to state marshals. It also eliminates most statutory references to sheriffs, deputy sheriffs, and special deputy sheriffs.

It requires the Judicial Department to employ judicial marshals for prisoner transport and custody and courthouse security. All deputy sheriffs and special deputy sheriffs serving as prisoner custody or transportation or court security personnel when the bill becomes law can continue their service as Judicial Department employees. The Judicial Department must recognize the bargaining unit of special deputy sheriffs for collective bargaining with the judicial marshals. The bill requires the Judicial Department to form agreements with state agencies on the management, training, and coordination for courthouse security and prisoner custody and transportation.

The bill creates the position of state marshal and gives them authority to provide legal execution and service of process. State marshals are qualified deputy sheriffs who are serving on June 30, 2000. The bill allows the same number of state marshals in each county as current law allows deputy sheriffs. It makes the state marshals independent contractors who are compensated on a fee-for-service basis. The fee is determined by agreements with attorneys, courts, or public agencies requiring execution or service of process, but is subject to any minimum rate set by the state. State marshals must meet the same bonding and personal liability insurance requirements as current law requires for sheriffs and deputy sheriffs. The bill bans, for a two-year period, appointment to the position of state marshal of anyone who has given anything of value for political purposes to those who name

the members of the State Marshal Commission.

The bill amends various service of process and execution statutes to allow state marshals to carry out the current duties of sheriffs and deputy sheriffs. It gives state marshals the same powers as deputy sheriffs, including service of process, execution, and tax collection. It eliminates most statutory references to sheriffs, deputy sheriffs, and special deputy sheriffs but does not transfer all of their functions to the new officers. The bill also makes conforming changes.

The bill makes judicial marshals performing their duties and state marshals exercising their statutory authority “peace officers.” This gives them certain arrest powers. It eliminates sheriffs, deputy sheriffs, and special deputy sheriffs as peace officers.

On passage, the bill increases the membership of the Sheriffs Advisory Board from five to seven. It requires the board, which administers the prisoner transportation and courthouse security system under the statutes, to cooperate with and ensure that the sheriffs, deputies, and special deputies, and staff cooperate with the Judicial Department for the transition of functions. It requires the board to approve an appointment or removal of a deputy sheriff or special deputy sheriff. It prohibits a sheriff from appointing or removing a deputy or special deputy sheriff after December 1, 2000. The board is eliminated on December 1, 2000 if the constitutional amendment is approved by the voters.

The bill creates, on passage, a State Marshal Commission as an autonomous body in the Judicial Department for fiscal and budget purposes only. The commission consists of eight appointed members and two non-voting representatives of the state marshals. It fills vacancies in state marshal positions and can adopt rules for the application and investigation process for state marshals. The commission can remove a state marshal only for cause after notice and a hearing. The commission can adopt rules for conducting its affairs and filling vacancies. The bill also creates a State Marshals Advisory Board consisting of 24 state marshals elected by the state marshals, to make recommendations to the commission.

The bill prohibits a sheriff from directly or indirectly soliciting campaign contributions from certain individuals.

\*House Amendment "A" (1) changes judicial police officers to judicial marshals, (2) requires the Judicial Department to recognize the special deputy sheriffs' bargaining unit for collective bargaining with judicial marshals, (3) changes the bill's effective date from July 1, 2000 to October 1, 2000 except for certain provisions effective on passage, (4) changes the composition of the State Marshal Commission and makes its provisions effective on passage, (5) creates the State Marshal Advisory Board, (6) alters the composition of the Sheriffs Advisory Board and requires it to approve the appointment or removal of deputies or special deputies, (7) allows the Chief Court Administrator (CCA) to appoint certain people who were deputy sheriffs on May 31, 1999 as state marshals, (8) requires deputy sheriffs to notify him if they want to be state marshals or judicial marshals, (9) alters the bond requirements for state marshals, (10) alters the time period for state marshals to pay money collected on behalf of a person to that person, (11) includes the retirement provisions, (12) allows the governor to transfer funds, (13) removes exemptions for state marshals from the permit requirements and waiting periods for guns, (14) removes the power of the CCA to order state marshals to assist the insurance commissioner in seizing insurance company records, and (15) makes conforming changes.

\*House Amendment "B" (1) changes the effective date for provisions effective October 1, 2000 to December 1, 2000, (2) makes all of the bill's provisions ineffective if the constitutional amendment eliminating county sheriffs is not approved by the voters, (3) alters provisions for elections and meetings of the State Marshals Advisory Board, (4) adds the campaign contribution and expenditure restriction, (5) adds the restriction on appointment as a state marshal of a person who gives anything of value to a person who names a member of the State Marshal Commission, and (6) requires the State Marshal Commission to audit the records of state marshals.

EFFECTIVE DATE: December 1, 2000 but certain provision are effective on passage and all of the bill's provisions are ineffective if the constitutional amendment eliminating county sheriffs is not approved by the voters. The provisions effective on passage include: (1) the creation of the State Marshal Commission and the State Marshals Advisory Board, (2) the number of state marshals, (3) the changes to the Sheriffs Advisory Board and the requirement that it approve any appointment or removal of a deputy or special deputy, (4) the Department of Administrative Services' responsibility for sheriffs

administrative functions, (5) the requirement for sheriffs' cooperation with the Judicial Department, (6) the appointment of certain deputy sheriffs as state marshals by the CCA and notification to him of whether deputies want to be state marshals or judicial marshals, (7) the prohibition on sheriffs appointing or removing deputy or special deputy sheriffs, (8) the transfer of funds by the governor, and (9) the prohibition on solicitation of campaign contributions and expenditures by sheriffs.

## **JUDICIAL DEPARTMENT FUNCTIONS**

The bill transfers to the Judicial Department the sheriffs' current responsibility for transporting prisoners to courthouses, custody of prisoners at courthouses, and courthouse security. It transfers responsibility for operating the lockup at the Lafayette Street courthouse (used for people arrested by the Hartford police to be presented to the court at its next session) from the Hartford County sheriff to the Judicial Department. It also makes the Judicial Department responsible for transporting arrestees before arraignment from Hartford police booking facilities. The CCA is responsible for custody, care, and control of the courthouses.

Local police remain responsible for custody if they are operating a lockup designated by the CCA as a courthouse lockup and are responsible for escorting prisoners to the courthouse if the lockup is not in the same building.

The bill transfers all property used by sheriffs for prisoner transportation and court security to the Judicial Department. It requires complete separation of male and female prisoners during transportation between courthouses and community correction centers.

In addition, the bill requires the CCA to employ staff, within available appropriations, to perform the functions transferred from the county sheriff system. He must first offer employment to qualified people employed in administering the county sheriff system on July 1, 2000.

## **JUDICIAL MARSHALS**

The bill requires the Judicial Department to employ judicial marshals for transportation and custody of prisoners and courthouse security. It

requires judicial marshals or constables to attend sessions of the Superior Court and family support magistrates instead of sheriffs, deputy sheriffs, or special deputy sheriffs. It also allows a judge trial referee to have judicial marshals attend a hearing and eliminates this provision for sheriffs and deputy sheriffs.

The bill allows the CCA to establish employment standards and appropriate training programs on secure prisoner transportation and court security. These standards must be in force by December 1, 2000. After the bill becomes law, it requires him to make judicial marshal applicants submit to a criminal record background investigation conducted by the Department of Public Safety and the Federal Bureau of Investigation. The applicant must pay processing fees.

The bill requires judicial marshals to receive the same training from the Office of Victim Services on victims' rights and services that special deputy sheriffs currently must get.

The bill transfers the following powers and duties from sheriffs and deputy sheriffs to judicial marshals:

1. transporting a person for immediate treatment for alcohol or drug dependency under a court order,
2. adjourning the Supreme Court in certain circumstances, and
3. overseeing the jury in a capital punishment case if the judge orders the jury members to remain together.

### ***Special Deputy Sheriff Retirement Provisions***

Currently, retired state employees who return to work for the state can receive both a state pay check and their state pension payment for up to 120 days per year. If they work more than 120 days, they cannot receive further pension payments and must reimburse the state for the cost of the pension payments they received for the 120 days. Special deputy sheriffs are exempt if they (1) were employed as a special deputy sheriff on July 1, 1999 and (2) were not employed as a special deputy sheriff prior to their retirement.

The bill continues this exemption for those who continue as judicial marshals. But, it bars these retirees from earning additional state

employee retirement credit while they receive pension payments.

## **STATE MARSHALS**

The bill gives state marshals the various duties and powers sheriffs or deputy sheriffs currently have regarding service of process and other related court functions, including:

1. general authorization for service of civil process,
2. service of process for state collection agencies,
3. executions for eminent domain condemnations,
4. ejectments,
5. service of a summons regarding a prejudgment remedy,
6. taking possession of a vessel under an attachment,
7. sale of certain goods at public auction, and
8. taking possession of an estate under probate court order.

It also makes state marshals rather than sheriffs and deputy sheriffs levying officers for purposes of post-judgment procedures.

The bill makes the state marshals rather than sheriffs and deputy sheriffs responsible for several other statutory duties. A state marshal:

1. must promptly execute all process directed to him and give a receipt for civil process without a fee;
2. must pay money collected on behalf of another person to that person within 30 days (current law is 90 days) of its collection or upon collecting \$1,000, whichever is first;
3. cannot fill out process unless it is for his own case;
4. must file a financial statement disclosing the amounts and sources of income earned; and

5. can allow a proper person to serve process for him on special occasions.

The bill gives state marshals the right to enter private property for execution or service of process and exempts them from personal liability for damage or injury in the discharge of these functions unless their conduct is wanton, reckless, or malicious. A similar provision applies to the sheriffs under current law.

### ***Requirements for State Marshals***

The bill eliminates the current bond requirement for sheriffs and deputy sheriffs and places the same requirements on state marshals. They must give to the State Marshal Commission a \$10,000 bond for the faithful discharge of duties and to cover any damages caused by improper conduct. As with deputy sheriffs under current law, the state pays the premium. A \$100,000 bond is required to collect state or municipal tax warrants.

The bill eliminates the personal liability insurance requirement for sheriffs and deputy sheriffs and requires the same amounts for state marshals. The insurance must be \$100,000 for damages to one person or his property and \$300,000 for damages to more than one person or their property.

Under the bill, deputy sheriffs who perform courthouse functions and become judicial marshals do not have to post a bond or carry personal liability insurance.

The bill prohibits a state employee from being a state marshal at the same time. It requires the secretary of the state to keep a list of state marshals for public inspection (currently required for sheriffs).

The bill prohibits state marshals instead of sheriffs and deputies from appearing in court as attorneys or pursuing lawsuits to profit from the collection fees. It also prohibits justices of the peace and judges other than probate judges from being state marshals instead of from being sheriffs and deputy sheriffs.

The bill prohibits a state marshal from knowingly billing or receiving fees for work he did not actually perform.



***Deputy Sheriffs Applying to the CCA***

The bill allows the CCA to appoint as state marshal a person who (1) was a deputy sheriff on May 31, 1999, (2) served for at least four years, and (3) applies by June 30, 2000. He can appoint people regardless of the limits imposed by the bill on the number of state marshals in each county until the State Marshal Commission members are appointed.

The bill requires deputy sheriffs serving when the bill becomes law to notify the CCA by June 30, 2000 if they want to be appointed state marshals. Any deputy sheriff performing courthouse security or prisoner custody or transportation when the bill becomes law must notify the CCA by June 30, 2000 if he wants to be a state marshal or a judicial marshal. The CCA must notify the State Marshal Commission in writing of the deputy sheriffs' decisions.

If the appointments made by the CCA exceed the limits on the numbers of marshals in each county, the State Marshal Commission cannot add marshals until the number is below the limit.

***Number of State Marshals***

The bill allows the same number of state marshals in each county as current law allows deputy sheriffs. The limits are:

1. 72 in Hartford County,
2. 62 in New Haven County,
3. 38 in New London County,
4. 55 in Fairfield County,
5. 18 in Windham County,
6. 30 in Litchfield County,
7. 21 in Middlesex County, and
8. 22 in Tolland County.

***Other Powers***

The bill gives state marshals various other powers and duties in place of sheriffs and deputy sheriffs. State marshals:

1. can arrest a person under a capias from the claims commissioner for failing to respond to a subpoena;

2. can commit a person to a community correctional center on a warrant from a military court;
3. are considered officers for purposes of enforcing certain motor vehicle laws;
4. have the same authority as Department of Motor Vehicle (DMV) inspectors for removing abandoned motor vehicles under certain circumstances;
5. can arrest and hold a child or youth who escaped from the Department of Children and Families (DCF) custody on request of DCF;
6. are exempt from certain statutory provisions governing closing-out sales for court-ordered sales;
7. are exempt from certain securities registration requirements for their transactions; and
8. can arrest and hold a parolee or inmate without a warrant when requested by the Department of Correction or the Board of Parole.

### **STATE MARSHAL COMMISSION**

The bill creates the State Marshal Commission to fill vacancies in state marshal positions and establish professional standards, including training requirements and minimum fees for execution and service of process. (The bill does not change current statutory fees.) These must be in force by December 1, 2000. Applicants must follow the commission's application and investigation requirements. In appointing marshals for counties, the commission must appoint an applicant who is an elector in that county. The commission can remove a state marshal for cause after notice and hearing. The bill allows the commission to adopt rules for conducting its internal affairs and for the application and investigation process for hiring state marshals.

The bill establishes a two-year waiting period for appointment to the position of state marshal for anyone who for political purposes pays, lends, or contributes anything of value to the (1) chief justice, (2) House speaker, (3) Senate president pro tempore, (4) House and Senate

majority and minority leaders, or (5) the governor.

The commission must periodically review and audit the records and accounts of state marshals. When a state marshal dies or is disabled, the commission must appoint a qualified individual to oversee and audit that person's records and account to the commission.

### ***Commission Members***

Each of the following people appoint one member of the commission:

1. Supreme Court Chief Justice (appointee must be a judge),
2. House speaker,
3. Senate president pro tempore,
4. House minority leader,
5. Senate minority leader,
6. House majority leader
7. Senate majority leader, and
8. governor (appoints the chairperson).

The chairperson serves a three-year term. All appointments to replace members whose terms expire are for three-year terms. If a vacancy occurs, the original appointing authority must appoint a replacement for the unexpired term.

The bill prohibits more than four members (excluding the chairperson) from belonging to the same political party. And at least three of the seven non-judicial members (excluding the chairman) must not be members of any state bar. No member can be a state marshal but two state marshals from the State Marshal Advisory Board serve as non-voting members.

Commission members cannot receive compensation for serving, but they are reimbursed for actual expenses incurred while engaging in their duties.

### **STATE MARSHALS ADVISORY BOARD**

The bill creates a State Marshals Advisory Board to make recommendations to the State Marshal Commission on minimum qualifications, professional standards, training requirements, and operational policies, including policies for inter-county service of

process.

The board consists of 24 state marshals. The state marshals in each county annually elect the members:

1. four each from Fairfield, Hartford, and New Haven;
2. three each from Litchfield and New London; and
3. two each from Middlesex, Tolland, and Windham.

The first election must occur between November 9, 2000 and November 14, 2000. Members serve for one year and can be reelected.

The CCA must designate a date and time for the state marshals in each county to elect members to the board on or after the bill's passage. A majority of the state marshals in a county is a quorum and a majority elects a state marshal to serve on the board. They must forward the names of elected state marshals to the CCA who must designate a date and time for the board's first meeting. The meeting must be as soon as practicable after November 14, 2000.

## **STATE MARSHALS AND JUDICIAL MARSHALS**

### ***Peace Officers***

The bill removes sheriffs, deputy sheriffs, and special deputy sheriffs from the definition of peace officers. It makes judicial marshals in the performance of their duties and state marshals while exercising their statutory authority "peace officers." A peace officer can arrest a person during the commission of an offense within his jurisdiction without a warrant, or on speedy information of others, within his precinct. The bill defines the precinct or jurisdiction of a state marshal or judicial marshal as wherever he is required to perform his duties, the same definition that applies under current law for deputy sheriffs and special deputy sheriffs.

Under the bill, state marshals certified by the Police Officer Standards and Training Council and who perform criminal law enforcement duties can pursue an offender outside their precincts if they are in immediate pursuit and can arrest the person. The bill eliminates these powers for sheriffs, deputy sheriffs, and special deputy sheriffs.

The bill also replaces sheriffs and deputy sheriffs with state marshals and judicial marshals with respect to exercising statutory duties as peace officers under certain gambling statutes.

### ***Other Provisions***

The bill makes it a capital felony to murder a state marshal exercising his statutory authority or a judicial marshal performing his duties instead of a sheriff or deputy sheriff.

It requires medical personnel to provide diagnostic, prophylactic, and treatment information to employers if a state marshal or judicial marshal rather than a sheriff, deputy sheriff, or special deputy sheriffs is exposed in the line of duty to blood or bodily fluids that may carry blood-borne disease.

The bill allows judicial marshals and state marshals to participate in hospital, medical, and surgical insurance plans selected by the comptroller on December 1, 2000. Both pay the full cost of the coverage but judicial marshals can participate through collective bargaining. Current law allows deputy and special deputy sheriffs to participate and pay the full cost of the coverage.

The bill prohibits a state marshal or judicial marshal from having a liquor permit.

### **SHERIFFS**

The bill requires the sheriffs to cooperate with the CCA in carrying out their duties to ensure the efficient operation of their office and the transition of the functions to the Judicial Department prior to December 1, 2000.

It adds two members to the Sheriffs Advisory Board, (1) a representative of DOC in addition to the DOC commissioner and (2) a representative of the Judicial Department appointed by the CCA in addition to the CCA. It abolishes the board on December 1, 2000. It prohibits any further agreements (those made after April 12) between the board and the DOC or other agencies for transportation and custody of prisoners.

It makes the Department of Administrative Services responsible for the administrative functions of the Office of the County Sheriff on December 1, 2000.

### ***Restrictions on Contributions***

The bill prohibits a sheriff from soliciting a campaign contribution or an expenditure from a (1) deputy sheriff, (2) special deputy sheriff, (3) his employee, (4) business client, or (5) spouse, child, parent, or dependent relative of a deputy sheriff, special deputy sheriff, or sheriff's employee. The solicitation ban applies to contributions to and expenditures for (1) a sheriff's exploratory or candidate committee, (2) his PAC or agent, (3) the support of or opposition to a referendum question, or (4) any other purpose subject to the state's campaign finance laws.

In addition, under the bill, a sheriff is guilty of violating the ban if anyone else engages in the prohibited conduct under an agreement with the sheriff. A violation is a class D felony punishable by one to five years in prison, a fine of up to \$5,000, or both.

### ***Funds***

The bill allows the governor, with the approval of the Finance Advisory Committee, to modify or reduce requisitions for allotments in the Office of the County Sheriffs during the fiscal year ending June 30, 2001 regardless of the usual statutory procedures for doing so. The governor can transfer funds to the Judicial Department or other appropriate agencies to establish and transfer positions.

### ***Eliminated Powers and Duties of Sheriffs***

Beginning December 1, 2000, the bill eliminates statutes granting sheriffs various powers including:

1. executing process;
2. suppressing riots and breaches of the peace;
3. commanding people to assist them; and
4. appointing deputies, a chief deputy, and special deputies.

It also eliminates salaries for chief deputies, the per diem compensation for deputies and special deputies attending court, and the attorney general's responsibility to represent sheriffs and chief deputies. The bill does not affect the sheriffs' salaries. It removes the application to sheriffs of statutes for conducting elections and collecting and accounting for contributions.

The bill removes sheriffs from additional statutes and does not replace them with state marshals. It:

1. removes sheriffs from the prohibition on employment or receiving money or things of value for supporting or opposing a legislative action,
2. removes sheriffs and deputy sheriffs from the definition of public officials for purposes of the code of ethics for public officials,
3. eliminates specific responsibilities of sheriffs related to stolen or recovered motor vehicles,
4. removes the requirement that sheriffs take custody and store abandoned aircraft,
5. eliminates the sheriff's duty to assist agricultural authorities when called upon for the eradication of bovine tuberculosis and avian diseases,
6. eliminates the sheriff's duty to submit fingerprints and information of arrested people to the State Police under certain circumstances, and
7. removes the power of sheriffs to inspect the stock of machine gun manufacturers.

It also requires the CCA or his designee, rather than the sheriff, to execute a mittimus to commit convicts to the Connecticut Correctional Institution, Somers. It also requires a court-issued mittimus to commit a person at Somers awaiting execution who is insane to go to the Department of Correction rather than the Tolland County sheriff or his deputies.

***Eliminated Powers of Sheriffs, Deputy Sheriffs, and Special Deputy Sheriffs***

The bill removes sheriffs and deputy sheriffs from several statutes and does not replace them with state marshals. It eliminates their duty or authority to:

1. attend and assist state referees and Superior Court judges at an inquiry or to procure the attendance of witnesses;
2. arrest habitual truants;
3. summon and attend a jury to re-estimate the damages or benefits of laying out or altering a state highway at the court's direction;
4. remove cancelled registration plates from motor vehicles in parking areas;
5. sell motor vehicles at auction without obtaining a DMV permit;
6. attend Board of Pardons sessions and collect a fee;
7. enter the premises of a liquor permittee to ascertain how he is conducting the business and to preserve order; and
8. arrest people escaping from Long Lane, Connecticut School for Boys, Connecticut Juvenile Training School, or Southbury Training School (the bill makes a conforming change to reflect the effective date of PA 99-26).

The bill removes sheriffs and deputy sheriffs from the list of those to whom a driver involved in an accident is prohibited from giving false information or refusing to give information. It eliminates the duty of deputy sheriffs to go anywhere in the state as required by the public safety commissioner and to have the powers of state policemen.

It eliminates references to sheriffs in the laws on purchase or receipt of pistols and revolvers. It does not eliminate references to special deputy sheriffs in the collective bargaining laws.

**OTHER OFFICERS**



The bill amends a number of statutes involving other officials by removing references to sheriffs and deputy sheriffs but it does not appear to alter the powers of the underlying officials.

The bill specifies that constables have the power to serve process in their towns rather than the same power as a sheriff to serve process. It also allows them to attend the Superior Court or family support magistrates but it eliminates the daily fee for their work.

## **BACKGROUND**

### ***Legislative History***

The House referred the bill to the Appropriations Committee on March 28, which reported it favorably on the same day. The House referred the bill to the Government Administration and Elections Committee on April 3 and the committee reported it favorably on April 6. The House referred the bill to the Labor and Public Employees Committee on April 7 and the committee reported it favorably on April 11.

### ***Related Bill***

SJ 15, proposing a constitutional amendment eliminating the office of county sheriff in the constitution, passed both houses by a three-quarters majority and will appear on the ballot at the general election on November 7, 2000. It passed the Senate on April 12 and the House on April 18.

## **COMMITTEE ACTION**

### Judiciary Committee

Joint Favorable Substitute

Yea 29      Nay 10

### Appropriations Committee

Joint Favorable Report

Yea 31      Nay 4

### Government Administration and Elections Committee

Joint Favorable Report

Yea 19      Nay 2

Labor and Public Employees Committee

Joint Favorable Report

Yea 12      Nay 1